

#### Lexington-Fayette Urban County Government OFFICE OF THE MAYOR

Jim Gray Mayor

January 22, 2014

Environmental Management Support, Inc. Attn: Mr. Don West 8601 Georgia Avenue, Suite 500 Silver Spring, MD 20910

Dear Mr. West:

With this letter please find enclosed a Brownfields Assessment Grant application submitted under RFP No. EPA-OSWER-OBLR-13-07.

Applicant Information

Lexington-Fayette Urban County government Department of Environmental Quality Division of Environmental Policy 9<sup>th</sup> Floor, Government Center 200 East Main Street Lexington, KY 40507

- DUNS Number b. 020428777
- Funding Requested: C.
  - 1) Grant Type: Cleanup
  - ii) Federal Funds Requested:

\$200,000

- iii) Contamination:
- Hazardous Substances
- d. Location: Lexington-Fayette County, Kentucky
- е. Property Name: Fayette County Courthouse 215 West Main Street Lexington, KY 40507

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#### f: Contacts

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- g. Date Submitted: January 22, 2014
- h. Project Period: Three years from date of award
- i. Population: 305,489 (U.S. Census, 2012 estimate)

The old Courthouse building, the pride of our community, was originally constructed in 1898 and served as our community's judicial center for over a century until a modern courthouse complex was completed in 2002. This building was then used as museum space until September 2012 when environmental issues forced its closure. The building has been assessed through Lexington's current EPA Brownfield Program Assessment Grant. Lead-based paint, mold, asbestos-containing materials, and guano were confirmed to be present at the Courthouse during the Phase II environmental site assessment (ESA). A clean-up grant will assist us in redevelopment of this property into a productive reuse.

Thank you for your review of this proposal.

Sincerely,

Mayor

## Appendix 3 Other Factors Checklist

Please identify (with an X) which if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the evaluation process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

	Other Factor	Page#				
	Community population is 10,000 or less					
	Federally recognized Indian tribe					
	United States territory					
	Applicant will assist a Tribe or territory					
	Targeted brownfield sites are impacted by mine-scarred land					
	Targeted brownfield sites are contaminated with controlled substances					
	Recent natural disaster(s) (2006 or later) occurred within community, causing					
	significant community economic and environmental distress					
	Project is primarily focusing on Phase II assessments.					
	Applicant demonstrates firm leveraging commitments for facilitating brownfield					
	project completion by identifying amounts and contributors of funding in the	To Address of the Control of the Con				
	proposal and have included documentation					
	Community experienced manufacturing plant closure(s) (2008 or later) tied to the					
	targeted brownfield sites or project area, including communities experiencing					
	auto plant closures due to bankruptcy or economic disruptions.					
-	Recent (2008 or later) significant economic disruption (unrelated to a natural					
	disaster or manufacturing/auto plant closure) has occurred within community,					
	resulting in a significant percentage loss of community jobs and tax base.					
	Applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for					
	Sustainable Communities (PSC) grant that is directly tied to the project area, and	1				
	can demonstrate that funding from a PSC grant has or will benefit the project					
	area. To be considered, applicant must attach documentation which demonstrates this connection to a HUD-DOT-EPA PSC grant.					
	Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant					
	Community is implementing green remediation plans.					
	Climate Change (also add to "V.D Other Factors")					

## Lexington Fayette Urban County Government (LFUCG), Lexington, Kentucky Brownfield Cleanup Grant Narrative Proposal 215 West Main Street, Lexington, KY

#### RANKING CRITERIA FOR CLEANUP GRANTS

#### 1. Community Need

a. Targeted Community Known as the Horse Capitol of the World, Lexington-Fayette County is the center of Kentucky's Bluegrass Region. Lexington has a compact urban core which is surrounded by our picturesque rural landscape and rolling farmland. Our community has an aggressive planning program, having the oldest Urban Service Area growth boundary in the United States. This boundary, which protects Lexington-Fayette County's idyllic countryside by limiting growth to core areas, was established in 1958 and is recognized by the American Institute of Certified Planners as a National Historic Planning Landmark. In effect, the concept of Lexington's Urban Service Area is the foundation for all American growth management systems. And Lexington-Fayette County's Purchase of Development Rights program, begun in 1999, is the first agricultural conservation easement program by a local government in Kentucky. To date, this program has permanently protected over 27,000 acres of farmland in this iconic American landscape from development, with a goal of ultimately protecting 50,000 acres. Since its establishment in 1782, Lexington has served as a major economic center in the Bluegrass Region. As a result, a huge diversity of enterprises have flourished in Lexington including paper mills, distilleries, grist mills, tobacco factories, brick and lumber yards, petroleum refineries, stockyards, and manufacturing industries. The environmental legacies associated with this history, combined with the continuing growth of our population, results in enormous pressure to develop our rural lands. So much so that, despite having some of the oldest and most ambitious land preservation programs in the country, the Bluegrass region has lost a significant amount of farmland to development- an alarming trend that landed the Inner Bluegrass on the 2006 World Monuments Fund's 100 Most Endangered Sites.

Our cleanup grant application is for the former Fayette County Courthouse which is now vacant due to environmental concerns. The "Old Courthouse" is located at 215 West Main Street in the courthouse square and sits in the heart of our downtown. The Lexington-Fayette Urban County Government is the sole owner of this landmark building, which is on the National Register of Historic Places. This beautiful 55,000 square feet 4-story stone Cruciform-plan building, in the shape of a Greek cross, is constructed in Richardsonian Romanesque architectural style and has a domed clock tower. This building, the pride of our community, was originally constructed in 1898 and served as our community's courthouse for over a century, until a modern courthouse complex was completed in 2002. The Old Courthouse was then used as museum space and to help facilitate Lexington Farmers Market operations until September 2012 when environmental issues forced the implementation of institutional controls to limit exposure of workers and the public to lead-based paint. This in effect resulted in a cessation of all operations and the Lexington History Museum, the Lexington Public Safety Museum, and the Lexington Renaissance Pharmacy Museum were asked to remove their exhibits. The Courthouse remains closed to the public to this day. The Bluegrass Trust for Historic Preservation, Central Kentucky's leading preservation advocate, put the Old Courthouse on their 2013 "Eleven in Their Eleventh Hour" list which is in an effort to bring awareness to endangered historic properties and to find long-term solutions for listed properties. The criterion used for selecting the properties includes historic significance, proximity to proposed or current development, lack of protection from demolition, condition of structure, or architectural significance.

The presence of lead-based paint was the initial environmental concern raised and was the original driver for "shuttering" the Courthouse in 2012. However after being shuttered, the Old Courthouse was assessed through Lexington's current EPA Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1). In addition to lead-based paint, mold, asbestos-containing materials, and bird droppings (guano) were confirmed to be present at the Courthouse during the Phase II environmental site assessment (ESA) as well as fluorescent light fixtures containing mercury and HVAC equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Examples of such equipment include refrigerators, air conditioning units, and walk-in coolers and freezers. A draft Analysis of Brownfield Cleanup Alternatives (ABCA) was then developed to evaluate cleanup options for this building, also using our current brownfield assessment grant funding. If our cleanup grant application is selected by the EPA for funding, we plan to use the grant funds to facilitate redevelopment by implementing ABCA cleanup recommendations and abating environmental concerns.

Demographically, our primary target community is comprised of residents that live in the downtown area in the immediate vicinity of the courthouse (US Census Tract 1.01). According to the U.S. Census Bureau 2010 Census, there are 1,826 households containing 3,072 people in the target community. The demographics of the target community are: White (73.1%), African American (21.4%), Hispanic (3.1%), Asian (2.1%) and Other (0.3%). Census data shows that, as a whole, the residents in these neighborhoods struggle economically to make ends meet, having a median household income of \$15,559 annually - this contrasts with a median county-wide income of \$48,306 for Fayette County. Over 40% of families and 46% of all people in Tract 1.01 have an income below the poverty level, with many being significantly below the poverty level. Pointedly almost 22% of these households have an annual income of less than \$10,000 (2007-2011 U.S. Census American Community Survey).

**Demographic Information** 

-	Census Tract 1.01	National	
Population	3,072 people	308,745,538	
Unemployment	16%	7.2%	
Poverty Rate	46%	15.1%	
Percent Minority	26.9%	26.7%	
Median Household Income	\$15,559/yr	\$49,445	

Data is from the 2010 US Census and is available at http://www.census.gov/

In addition to being economically challenged, the target community also is more likely to be exposed to environmental stressors due to their proximity to downtown as well as the age of the housing stock. Specifically, the heavy vehicular traffic on the main thoroughfares results in increased exposure to outdoor air pollutants such as ozone, particulates (particle pollution), carbon monoxide, and other air contaminants. Information obtained from the EPA indicate these contaminants are known to cause adverse health effects and can lead to asthma, bronchitis, emphysema, lung cancer, heart disease and other illnesses as well as premature death.

The median year for homes built in Census Tract 1.01 is 1966 and over a third of the homes in these neighborhoods were built prior to 1939. The age of the residential housing stock in the target area means that residents are also more likely to be exposed to indoor air quality contaminants. Lead-based paint and asbestos containing materials were commonly used in construction of older homes.

Lead can affect almost every organ and system in your body. Children six years old and younger are most susceptible to the effects of lead. In children, the main target for lead toxicity is the nervous system. Even very low levels of lead in the blood of children can result in permanent damage to the brain and nervous system leading to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In rare cases, ingestion of lead can cause seizures, coma and even death. Lead in a pregnant woman's body can result in serious effects on the pregnancy and her developing fetus, including miscarriage, reduced growth of the fetus and premature birth.

Asbestos can be found in vinyl floor tiles, the backing on vinyl sheet flooring, adhesives, roofing and siding shingles, hot water and steam pipes, insulation, etc. Exposure to asbestos increases the risk of developing lung disease to include lung cancer, mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart and asbestosis, a serious progressive, long-term, non-cancer disease of the lungs.

**b. Impacts on Targeted Community** As discussed above, the close proximity of the targeted community to the downtown area results in exposure to "outdoor" air pollutants such as ozone and particulates which can adversely impact health. This exposure to outdoor pollutants, combined with their exposure to indoor air pollutants such as lead-based paint and asbestos, results in a disproportionate impact on the target community. It is believed these health impacts in turn contribute to and are exacerbated by the poverty in this economically challenged area, creating a cycle that adversely impacts the welfare and quality of life of the area's residents.

The shuttering of the Old Courthouse contributes to the adverse impacts and reinforces this cycle. It stands as a constant and highly visible reminder to this underserved population of missed opportunities - of what could be. The cessation of museum operations in 2012, while it helped protect museum patrons from environmental hazards, deprived the community of educational opportunities.

Additionally, the Old Courthouse building had been used in support of the Lexington Farmers Market which is held Saturdays immediately adjacent to the Old Courthouse grounds. Closure of the courthouse meant Farmers Market patrons and vendors could no longer use the Old Courthouse restrooms which make it more difficult for the targeted community and the community as a whole to access fresh, healthy food. Once the Old Courthouse closed, the Lexington Farmers Market had to incur the cost associated with using multiple portable bathroom units, including a handicap accessible one, and a hand washing station to meet sanitation standards. Setting aside the cost issue, running water is the preferred way to wash ones hands. Additionally the Old Courthouse building served as the best option for a severe weather shelter for Farmers Market vendors and patrons during the market and offered a great place to get out of the weather no matter the season.

Finally, in its current state, the Old Courthouse is in many respects limiting the target area's potential. From an economic standpoint it is plain to see that the Old Courthouse holds much promise. If this underutilized property were to be developed to its full potential (most likely through a public private partnership), it could create a significant number of jobs and serve as a catalyst for the entire area.

We wish to note that all across our country, courthouses define a community. This is particularly true in a predominantly rural state like Kentucky where courthouses are a source of immense pride for communities.

So while we have been focusing on the targeted community (Census Tract 1.01) in our discussions, it is important to realize that this project will provide enormous benefits to all of our citizens.

#### c. Financial Need

- (i) Economic Conditions Lexington still has a small town feel and there is a reason for that; we are relatively small. With a population of 295,803 (U.S. Census Bureau 2010 Demographic Profile Data) Lexington is not considered a big city our Mayor likes to refer to Lexington as an "extra large Mayberry"-so we don't have the resources enjoyed by some larger municipalities. Our community-wide poverty rate of 17.9% is higher than many of the benchmark communities which we compare ourselves to. The most recent estimate for redeveloping the Old Courthouse puts the cost at \$14,252,324; approximately \$771,290 of this amount will be used to address environmental concerns as outlined in the draft Analysis of Brownfield Cleanup Alternatives (ABCA) completed by AMEC in January 2014. Our community simply doesn't have the resources to pull this off by ourselves in today's difficult economic times. As evidence of this, a December 2013 study by the Kentucky Chamber of Commerce shows job growth for the Lexington area has been just 1.9 percent since the economy crashed five years ago. Additionally, the study suggests that Lexington is getting more service-sector jobs that don't pay especially well.
- (ii) Economic Effects of Brownfields The target community's close proximity to brownfields sites has put these residents at an economic disadvantage compared to the rest of Fayette County. Again according to the 2010 U.S. Census, which is the most recent year for which this level of detail is available, the residents of these neighborhoods have lower incomes and higher poverty rates when compared to the surrounding community. The median household income for the target community is \$15,559.00 compared to \$48,306.00 for Fayette County as a whole. In addition, over 40% of families and 46% of all people in Census Tract 1.01 have an income below the poverty level and 33% do not have access to a vehicle. Only 13.5% of the homes in the target community are owner occupied. The remainder are rented. Over a third of the homes in these neighborhoods were built prior to 1939 and the median year for homes built is 1966; this compares to a median year of 1974 for the rest of Fayette County. Of the target population 5.9% lack complete plumbing, 11.9% lack complete kitchen facilities, and 12.4% do not have telephone service (2008-2012 U.S. Census American Community Survey 5 Year Estimates Table DPO4).

Additional economic effects associated with the Old Courthouse in its current state include community disinvestment, burden on municipal services, and ultimately blight. As mentioned before a courthouse defines a community. Failure to invest in the Old Courthouse sends the wrong message to those wishing to invest in our downtown and our community. Although the Old Courthouse is now shuttered, the City is still maintaining this structure using taxpayers' funds. Over a recent three-year period utilities averaged approximately \$47,000 per year and operation and maintenance costs averaged over \$34,000 per year. These costs will continue and only increase in future years as more repairs and upkeep become necessary. Plus, in this fiscal year's municipal budget we have obligated \$300,000.00 for stabilizing the Old Courthouse.

We realize the importance of the Old Courthouse to our community and are taking steps to properly manage this vacant building. However if the building is not returned to productive use in the near future, it may become necessary to "mothball" the building. Mothballing will require stabilization of the exterior, properly designed security protection, some form of continuing interior ventilation—either through mechanical or natural air exchange systems—and continued maintenance and surveillance monitoring. Comprehensive mothballing programs are generally expensive and may cost 10% or more of a modest

rehabilitation budget (*National Parks Services Technical Preservation Bulletin 31 Mothballing Historic Buildings*). Mothballing such a landmark building in the heart of downtown would be a poster child for community disinvestment and blight and would be a continuing drain on municipal resources.

#### 2. Project Description and Feasibility of Success

#### a. Project Description

**i.)** Existing Conditions The LFUCG Division of Historic Preservation has designated the Old Courthouse as "Outstanding," which is defined as a "property of extreme importance architecturally and/or historically that has undergone relatively little alteration since they were built, or the alterations themselves have gained significance." It is noted that this particular property "contributes both to the character of the block, and to the character of downtown."

The Old Courthouse property has provided much of Lexington's historical tapestry. It has been the heart of Lexington since the public square was first platted in 1780. The first schoolhouse in Kentucky was built on this site in 1783; it was at this school that the schoolteacher John "Wildcat" McKinney was attacked and fought off a wildcat that had entered the school (*Historic Lexington Heart of the Bluegrass*).

The courthouse square was the site of a Civil War skirmish in October of 1862 when John Hunt Morgan, a Confederate cavalry leader, attacked union troops encamped in Lexington. Reports indicate a group of Union soldiers sought refuge in the courthouse and when Confederate soldiers brought up artillery, the Mayor of Lexington pleaded with the Confederate cavalry not to blow up the courthouse. He also pleaded with the Union soldiers to surrender, which they did, sparing the courthouse.

The following additional historical information was contained in a March 1, 2012 Kaintuckeean post Fayette County's Old Courthouse is all history, "Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old Courthouse, the 4th one built on this property, began in 1898. The 1898 courthouse was designed by the Cleveland, Ohio architecture firm Lehman & Schmitt, who also designed their own city's Cuyahoga County Courthouse. The Fayette County Courthouse is a fantastic example of Richardsonian Romanesque architecture. In the shape of a Greek-cross, though appearing almost cubic, the courthouse has an entrance on each of its four sides. Each entrance is marked by a large round arch and a shallow balcony above. The corbels supporting these balconies feature facing ranging from grotesque to resembling characters from the Canterbury Tales. The clock in the belfry survived the 1897 fire and has been preserved through history dating back to 1806. On the hour, you can still hear the bell mark the hours of the day just as that same bell did for the ears of Henry Clay, John Breckinridge, and Abraham Lincoln. In 1951, plans were moving forward to demolish the 1898 courthouse despite opposition from, as the Lexington Leader newspaper called them, "sentimentalists." The 1951 plan would have transformed the block and included razing the Old Courthouse. A chief proponent of this new plan was the County Commissioner who, frustrated with the insufficient space in the half-century old structure, wanted "to tear this damn thing down and building a new building." And although the plan was supported by the chamber of commerce, it ultimately floundered. The space issues, however, did not go away, because five courtrooms had been squeezed into a building designed for one. A 1961 plan resulted in adaptive reuse. While preserving the facade of the historic courthouse, its inner workings (including the palatial atrium) were filled with HVAC, an elevator system and restrooms. Prior to the (1961) renovation, visitors inside the courthouse would have marveled at a grand staircase as they gazed up 107 feet to the dome ceiling. The dome was painted a blue with dozens of lights which would have illuminated the dome - then one of Lexington's tallest structures - and the surrounding area. The use of these electric lights in 1900 was groundbreaking; only Paris, France (the "City of Lights") was using light bulbs in such innovative ways. The lights would also have illuminated the beautiful interior — the carvings and paintings reminiscent of a 14th century Tibetan Palace. In 2002, the Old Courthouse closed when the new courthouse complex opened a couple blocks away on North Limestone Street. The Old Courthouse is the home to several museums, most notably the Lexington History Museum, which opened in 2003" (March 1, 2012 Kaintuckeean post <a href="https://www.Kaintuckeean.com">www.Kaintuckeean.com</a>). As mentioned previously the Old Courthouse closed to the public later in 2012 due to elevated levels of lead dust.

Lexingtonians have long recognized the value of the Old Courthouse building as well as the courthouse square. Our community has made significant investments in the courthouse square property and much of the groundwork has been laid for this project to be successful as described below. Fitzsimmons Office of Architecture (FOA) conducted a study of the Old Courthouse building in 1999, providing a baseline of existing conditions, conceptual site layouts, and preliminary pricing for a full restoration of the building. In 2000, the Courthouse Square Foundation was founded by then Mayor Pam Miller to raise funds for this project. Information contained in a July 24, 2012 Business Lexington article Seize the Moment: Restore the Old Courthouse describes the Courthouse Square Foundation group in the following way "This unified call for restoring the Old Courthouse couldn't come from a more diverse group of powerful leadership personalities. The Foundation's board of advisors includes all former mayors and vice mayors who have served since the city and county merged..." In 2001, Verner Johnson and Associates provided a feasibility study on a joint UK Art Museum - Lexington History Center project that would have restored the existing Old Courthouse as well as built a partially subterranean gallery annex. Due to economic uncertainty in the wake of the 9/11 terrorist attacks, the project was shelved. In the early 2000's, one million dollars was spent to stabilize the building and make minor improvements to three floors for use by the Lexington History, Public Safety, and Kentucky Pharmacy museums.

While multiple attempts to repurpose the building for a higher use had been studied and tried since 2000, none have come to fruition. However, as noted in the Business Lexington article Seize the Moment: Restore the Old Courthouse, "The recent closing of the Old Fayette County Courthouse following the discovery of hazardous lead paint may have the effect of actually opening the doors of this iconic downtown structure to a new future: as the crowning catalyst of a vibrant new downtown entertainment district."

Today Lexington is being transformed and the Old Courthouse is again in the center of activity. In April of 2009 Fifth Third (5/3) Bank donated \$750,000 to the Downtown Lexington Corporation to build a 5,000 square foot glass pavilion with a metal roof in Cheapside Park in Courthouse Square. This permanent event facility, called the Fifth Third Pavilion, now houses popular events such as our *Thursday Night Live!* street concert series; almost 70,000 people attended *Thursday Night Live!* concerts in 2013. And in 2009 merchants and farmers began selling fresh produce and food products on Saturdays at Cheapside through the Lexington Farmers Market, a member-owned agricultural cooperative. On peak days as many as 5,000 people shop at the Farmers Market. Several downtown projects have been announced in the past two years, including a proposed 46-acre Arts and Entertainment District with a new civic center and renovated Rupp Arena, and a movie theater complex. Across the street is the McKim, Mead, and White designed Fayette National Building, future home of a 21c Museum Hotel, a boutique hotel and art museum whose trademark penguins will be blue in recognition that Lexington is the home of the Big Blue Kentucky Wildcats. The 21c Hotel will bring with it 150 jobs and new life for a building that was once the tallest

building in Kentucky and has graced our skyline for 100 years. The Short Street restaurant district runs behind the Courthouse and Rupp Arena/Convention Center is two blocks to the northwest. And there are plans to create a downtown linear park as part of the Town Branch Commons project which will highlight the importance of Town Branch Creek on which Lexington was originally founded and which now runs beneath the downtown area. Lexington's Urban County Council in July 2013 approved a new CentrePointe master development agreement, which now includes plans for a hotel, apartments, space for offices, retailers, restaurants and a three-story underground parking garage to be built on a 2 acre parcel of land just across Main Street southeast of the Old Courthouse. The new plan calls for an estimated capital investment of 193 million dollars including 45 million dollars for public infrastructure. CentrePointe has been approved for Tax Increment Financing by the State of Kentucky.

THE WAY FORWARD: In his January 2013 State of Merged Government address, our Mayor tasked the Lexington Downtown Development Authority (LDDA) to look into redevelopment options for the Old Courthouse building. After reviewing existing studies and information, hearing from long-time stakeholders, and holding informal conversations with potential tenants, it became clear that there is a way forward on redeveloping the Old Courthouse as public/private venture that would leverage external sources of funds to restore and revive one of our community's most recognizable landmarks. An initial predevelopment budget of \$250,000 was subsequently provided by our Urban County Council to the DDA in October of 2013 for engineering, architectural design and environmental work and \$300,000 more was budgeted (the same month) for the LFUCG Division of Facilities Management to perform stabilization work at the Old Courthouse.

To bring the Old Courthouse adaptive reuse project to fruition, the Lexington Downtown Development Authority, LFUCG and Courthouse Square Foundation are currently working to put together a development team with the capacity to develop a program, assemble financing, and manage the Old Courthouse property incorporating the following goals: (1) Restore the building according to the Secretary of Interior's Standards for Historic Preservation, including returning the central atrium to a condition representative of the original design; (2) Light the exterior of the building, including the dome; (3) Program public use or uses on the entry level that provides access to the reopened atrium; (4) Provide public restrooms to support activities in the 5/3 Pavilion and (5) Activate the apron and the grounds surrounding the building with café tables or like activity.

FINANCING OF THE RESTORATION: The most recent estimate for redeveloping the Old Courthouse puts the cost at \$14,252,324; approximately \$771,290 of this amount will be used to address environmental concerns as detailed in the draft Analysis of Brownfield Cleanup Alternatives (ABCA) completed by AMEC in January 2014. How will it be paid for? The proposed redevelopment plan for the Old Courthouse is still being developed but, as is common for projects of this scale, financing the restoration and redevelopment of the Old Courthouse will involve a blend of funding from multiple sources: Local government funds will be used for leveraging (we committed to investing over half a million dollars in 2013 alone). We anticipate the local contribution, which will be a combination of permanent (tenant) debt, donations, and tax increment financing, will total approximately \$7,750,000. A viable tenant will be able to support a level of permanent debt service through a market-rate lease. The Courthouse Square Foundation will continue to solicit donations/contributions. The Old Courthouse Project has been identified as a possible beneficiary of the TIF financing component of the CentrePointe project which could supply significant funding. Federal and State Historic Tax Credits will also be used. Tax credits are awarded for an amount equal to 20% of the project cost. After awarding, the credits are sold to investors in exchange for equity. We anticipate \$2,607,924 from this funding source. New Markets Tax Credits are similar and will

also be used. These tax credits are also exchanged for equity and favorable loan terms. We anticipate \$3,494,400 from this funding source. And of course grant funding will be sought, as we are doing with this \$200,000 EPA Brownfield Program Cleanup Grant application.

ii. Proposed Cleanup Plan We have a very good understanding of the types and quantification environmental contaminants present at the Old Courthouse, since extensive sampling and quantification have already been done here. A Limited Site Survey of Indoor Air Quality was done by Air Source-Technology, Inc. (ASTI) dated September 20, 2012 to assess mold. A Lead Paint Inspection Report dated July 2012 was prepared by the LFUCG Division of Facilities Management which found high levels of lead in the basement and penthouse of the building. A Lead-Based Paint Risk Assessment Report was subsequently prepared by Compliance Technologies, LLC dated August 6, 2012 which recommended restricting access to the basement and penthouse, and limiting access to the 4th floor to staff only due to lead based paint hazards. An Asbestos Identification Survey and Inspection Report was prepared by the LFUCG Division of Facilities dated July 2012 and found asbestos containing material (ACM) on all floors of the building.

Using Lexington's current EPA Brownfield Program Assessment Grant funds, a Phase I environmental site assessment (ESA) for the Old Courthouse was completed by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC also completed a Phase II ESA in 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process."

Based on this body of work, AMEC estimates approximately 43,000 square feet is impacted by lead based paint to include approximately 6,000 square feet area in the rotunda containing a mixture of guano and flaked LBP. There is another 45,000 square feet of building space potentially impacted by lead dust which may require additional cleaning or removal. LBP was identified in the basement, first floor, second floor, third floor, and the rotunda/penthouse. AMEC estimates approximately 38,000 square feet has asbestos containing materials. Fluorescent light fixtures and CFC containing HVAC equipment are also present but are lesser concerns.

An Analysis of Brownfield Cleanup Alternatives (ABCA) was prepared by AMEC in December 2013 using our current EPA Brownfield Program Assessment Grant funds. The purpose of the ABCA "cleanup plan" was to establish clean up objectives, screen remedial technologies, and select the optimal approaches for addressing the identified environmental concerns - in effect providing a blueprint for cleaning up this building. Based upon AMEC's evaluation of the technologies, the recommended remedial alternatives are to (1) remove/abate ACM, lead-based paint that is flaking or has flaked off, and guano mixed with lead-based paint; (2) encapsulate lead-based paint that is currently not flaking or flaked or badly damaged and; (3) discard certain mold affected materials. Total cost to address all environmental concerns (including fluorescent lamps containing mercury and CFC containing equipment) is estimated at \$771,290.

If awarded the LFUCG plans to use the cleanup grant funds to improve the quality of life for residents in the target community and in our community as a whole by utilizing highly-qualified, experienced, environmental consultant(s) to clean up and eliminate the identified environmental concerns at the Old Courthouse. This environmental consultant will be selected through a transparent RFP process, both to ensure fairness and to ensure the best consultant is selected. Responses will be reviewed by our Division of Central

Purchasing and experienced environmental staff within our Division of Environmental Policy, several of which have environmental consulting experience. If EPA Brownfield Program grant funds prove insufficient to address all the environmental concerns, we will use the funds to address lead-based paint, bird droppings and mold first since these are the most immediate concerns and use other sources of funding to address the remaining environmental concerns.

In conducting this work, all applicable health and safety regulatory requirements will be followed to include OSHA asbestos and lead regulations. Environmental regulations will also be adhered to. This includes but is not limited to the Endangered Species Act (ESA), National Historic Preservation Ace (NHPA), and National Emissions Standards for Hazardous Air Pollutants (NESHAP). All wastes will be disposed of in accordance with the Federal, State and Local regulations.

In summation, we are confident that our proposed approach will be successful. We have experienced personnel in place to provide the coordination needed, we have community support for infill and redevelopment as well as the planning tools and financial tools needed to make this project successful.

#### b. Task Description and Budget Detail:

Task Description To successfully address the environmental concerns at the Old Courthouse, action items have been grouped under (two) tasks. Task 1 Abatement involves abatement/encapsulation/removal of lead based paint, asbestos containing materials, bird droppings, and mold. Task 2 Additional Costs/Project Management involves additional tasks which include mobilization and demobilization, reports, O&M plans, project management, clearance testing, and oversight. Specific outputs that we anticipate from this project (as funds allow) are removal and/or encapsulation of 43,000 sq ft of lead-based paint, bird droppings, and mold; cleaning or removal of another 45,000 square feet of lead dust impacting the building space; abatement/removal of 38,000 sq ft of ACM; and removal of mercury lamps and CFC containing equipment. As mentioned above if EPA Brownfield Program grant funds prove insufficient to address all the environmental concerns, we will use the funds to address lead-based paint, bird droppings and mold first since these are the most immediate concerns and seek additional sources of funding to address the remaining environmental concerns. We will also ensure that water intrusion is controlled (to prevent the reoccurrence of mold) and birds are denied access (to prevent reoccurrences of guano) prior to any abatement work.

A budget for the cleanup grant funds only (totaling \$240,000 including our cost share) is presented in tabular form below. While AMEC and their subcontractors have expended significant effort to provide the level of budget detail contained in the ABCA, it should be noted that the costs presented in the ABCA are estimated costs; actual costs may be higher or lower. Also LFUCG personnel will not charge administrative or indirect costs (personnel/fringe costs) to coordinate this grant nor do we anticipate purchasing supplies or equipment through this grant. We will comply with procurement procedures contained in 40 CFR 30.40 through 30.48 when contracting services.

**Budget Detail** 

Budget Categories	Task 1 Abatement	Task 2 Additional Costs/ Project Management	Total Grant Budget
Travel	\$0	\$4,000	\$4,000
Contractual	\$109,000	\$87,000	\$196,000
Total Federal Funding	\$109,000	\$91,000°	\$200,000
Cost Share	\$40,000	\$0	\$40,000
Total Budget	\$149,000	\$91,000	\$240,000

**Notes:** [1] The amount budgeted for travel includes costs for LFUCG personnel to attend national EPA Brownfield Program conferences as a condition of this grant. [2] The LFUCG has earmarked \$40,000 of the \$250,000 in predevelopment funds approved by our Urban County Council in October 2013 for our grant match.

c. Ability to Leverage While financing a significant redevelopment project like this can be challenging, we believe we will be able to use the requested cleanup grant funds to leverage additional funds. Indeed leveraging is going on already - in October 2013 our Urban County Council voted to spend \$250,000 on pre-development work at the Old Courthouse; at least \$40,000 of this \$250,000 will be used as our match should we be selected to receive an EPA cleanup grant. Plus \$300,000 more was budgeted for stabilization work at the Old Courthouse by our City Council in October of 2013. The EPA Brownfield Program cleanup grant we are seeking is particularly important to our efforts, since eliminating the identified lead based paint, asbestos containing materials, mold and bird droppings is key to moving forward. The Kentucky Department for Environmental Protection (DEP) also received a 2012 EPA Brownfields Program revolving loan fund grant for \$850,000 from which DEP will provide loans and subgrants to support cleanup activities for contaminated sites - we will make application for these grant funds once they become available in the spring of 2014.

#### 3. Community Engagement and Partnerships

**a. Community Involvement** The LFUCG is widely known for its longstanding, progressive, urban planning system and merged city-county government. Community participation and involvement in governance is a cornerstone of our system, one that is embedded in the organizational culture of the LFUCG. All legislative actions of the local government, and many other public meetings, are broadcast live on local television and streamed freely over the internet.

Should we be awarded this cleanup grant, several means of communication will be employed. There will be press releases and newspaper articles (to including multilingual release in such publications as the Spanish La Voz newspaper, emails, and web updates on our goals, our progress, and our accomplishments. Although we do not anticipate clean up activities will result in any disruptions or pose any health and safety issues since these will be conducted entirely within a (secure) vacant building, there will be public hearings held to receive input from our citizenry and presentations to community groups as needed. Visioning sessions may be held if needed which the Kentucky Division of Compliance Assistance has agreed to lead. The Lexington Department of Environmental Quality and Public Works will provide timely updates to the Urban County Council (the local government's legislative branch) on the project's progress which will be televised.

b. Partnerships with Governmental Agencies The LFUCG has the full support of the Kentucky Department of Environmental Protection. This state agency will have regulatory authority over abatement activities and administers its brownfields program through the Division of Compliance Assistance (DCA). A letter of support dated January 2, 2014 from the state brownfields coordinator, Mr. Herb Petitjean, is included in this application. The DCA has been extremely helpful to the LFUCG by providing support in developing the LFUCG current (successful) brownfields assessment grant program and has met with us to discuss cleanup of the Old Courthouse project already. Additionally, we are including a December 23, 2013 letter from the Kentucky State Clearinghouse which recommends our current brownfields cleanup grant project "be approved for assistance by the cognizant federal agency."

Also, we will apprise the **Lexington-Fayette County Health Department** of our efforts and they will be given the opportunity to participate in the clean up, although we do not anticipate they will play an active role for this project since the clean up will occur entirely inside the building and the Kentucky Department of Environmental Protection has regulatory authority over clean up activities, such as asbestos, etc.

The Kentucky Heritage Council State Historic Preservation Office coordinates the federally mandated protection of historic properties listed in or eligible for the National Register of Historic Places, as well as the professional archaeology component for the agency. Section 106 of the National Historic Preservation Act (NHPA) of 1966 requires federal agencies to consider the effect of their activities on properties listed or determined eligible for listing in the National Register of Historic Places. We will work closely with the Kentucky Heritage Council State Historic Preservation Office as well as the LFUCG Division of Historic Preservation to ensure significant historic attributes of the Old Courthouse are protected during clean up and redevelopment activities.

c. Partnerships with Community Organizations The Lexington Downtown Development Authority (DDA) promotes the physical and economic development of downtown through catalytic projects, public infrastructure, neighborhood reinvestment, and research and planning. For this project, DDA will lead efforts to identify potential private sector partners, assemble a team to redevelop the Old Courthouse, and identify financing possibilities.

The **Courthouse Square Foundation** is a nonprofit group founded in 2000 specifically to raise funds for the restoration of the Old Courthouse to its original plan. In addition to assisting with fund raising efforts, this organization will assist the DDA and continue efforts to educate the public on the significance of this historic structure.

**Downtown Lexington Corporation** (DLC) is an independent, non-profit organization devoted to promoting downtown as a unique and vibrant place in Lexington for business, residential life & entertainment. DLC produces free events for the entire community to include the popular *Thursday Night Live!* street concert series at Courthouse Square. For this grant, DLC will promote the clean up and redevelopment of the Old Courthouse to their members and the public and will work to expand public use of the courthouse square.

The **Fayette Alliance** is a land-use advocacy organization that promotes sustainable growth and preservation of Lexington's signature Bluegrass landscape. The Alliance encourages infill redevelopment as a component to achieving economic growth and environmental quality. The Alliance represents citizens from the entire community, with significant representation from thoroughbred horse farm owners,

Lexington's signature industry. For this project, the director of the Alliance will continue to promote brownfield redevelopment efforts.

**VisitLEX** (formerly the Lexington Convention and Visitors Bureau) markets the Bluegrass Region, nationally and internationally; as an outstanding destination for leisure travel, business travel, meetings and conventions. Once restored, visitors will undoubtedly want to see this grand structure, and VisitLEX will promote the Old Courthouse which will increase revenue for this project.

#### 4. Project Benefits

a. Health and/or Welfare and Environment Two of the key outcomes of this project are protection of public health and protection of the environment. The health of the public will be enhanced as environmental concerns will be eliminated for visitors to the Old Courthouse (such as patrons of the former History Museum). This is especially important for sensitive populations such as pregnant women, children and the elderly. Eliminating environmental concerns will also be protective of the environment. Also, the Old Courthouse building had been used in support of the Lexington Farmers Market which is held Saturdays immediately adjacent to the Old Courthouse grounds and provides the target community as well as the community as a whole with access to fresh, locally grown, healthy food. Closure of the Old Courthouse meant Farmers Market patrons and vendors could no longer use the Old Courthouse restrooms or use the Courthouse building as a shelter in the case of severe weather. Additionally, when the Old Courthouse is successfully redeveloped, there will be increased job opportunities which may help improve economic conditions which in turn will improve health conditions.

#### b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse

- i). Planning, Policies or Other Tools. We believe Lexington is somewhat unique in that one of the responsibilities our local government is specifically charged with under section 3.02 of our Code of Ordinances is to "provide for the redevelopment, renewal or rehabilitation of blighted, deteriorated, or dilapidated areas." One of the main tools we have for promoting sustainable development is Lexington's Comprehensive Plan which governs how and where we grow. The 2013 Comprehensive Plan focuses heavily on promoting sustainability and livability outcomes. Notably the 2013 Comp Plan retains our current Urban Service Boundary which requires us to effectively grow in and not out - promoting infill and redevelopment. Additionally, Lexington's zoning regulations promote sustainable practices by offering an additional tool - increased flexibility in redevelopment plans for projects that qualify as an Adaptive Reuse Project. To qualify as an Adaptive Reuse Project, property owners must reuse existing buildings, provide a threshold amount of community benefits, and further the purposes of Lexington's Comprehensive Plan. This is designed to encourage developers to utilize many "green" best practices as they redevelop these properties such as reusing buildings, using existing infrastructure, making buildings more energy efficient, and using demolition materials for beneficial purposes. Although redevelopment plans have not been finalized for our proposed project, we will (of course) be reusing the Old Courthouse building and we anticipate we will incorporate green building measures into the restoration of this high profile building.
- ii). Example of Efforts. There are several successes that we can point to. One (exemplary) example is the The Bread Box. This former 90,000 square feet building was built circa 1890 and served for years as a major bread manufacturer. In 1995 the building was sold to a records storage company and served in that capacity until 2008 after which it stood vacant. In August 2011 the building was purchased by owners with a goal "to reinvigorate the empty building by creating a mixed-use property containing complementary businesses with the goal of making a positive contribution to not only the historic Northside, but Lexington

as a whole." The redeveloped two-story building, now named The Bread Box, is now home to West Sixth Brewing and a variety of local businesses and organizations including Broke Spoke Community Bike Shop, Food Chain, Roller Girls of Central Kentucky, Magic Beans Coffee Roasters, the Bread Box Studio Artists and FoodChain, a nonprofit focused on urban indoor food farming production and education that includes growing vegetables and raising tilapia in a vertical farm. The owners state "The neighbors are happy because the corner went from being blighted to becoming a vibrant, positive influence." It was the first single-use building in Lexington to meet four of the seven criteria for this Adaptive Reuse zoning designation, which proved key to its development.

#### b. Economic and Community Benefits

- (i) Economic or Other Benefits Cleaning up and redeveloping the Old Courthouse will offer a myriad of positive outcomes for our community, both economically and non-economically. On the economic side, a public/private partnership is envisioned which will provide jobs, increase our tax base, stimulate our economy, increase tourism, and turn what is now a drain on municipal budgets into an asset. On the non-economic side, the Old Courthouse will provide educational opportunities, a higher use for the greenspace in the courthouse square, and increased access to fresh food by facilitating Lexington Farmers Market operations.
- (ii) Job Creation Potential We anticipate increasing the availability of job opportunities will be one of the significant outcomes of this project, especially since this project could be transformative for our downtown area. To ensure this is the case, the LFUCG will consider the degree of local employment to be provided by the person(s) or firm(s) that respond to clean up and redevelopment proposals. We will also strive to use local procurement practices where appropriate.

#### 5. Programmatic Capability and Past Performance

a. Programmatic Capability The Urban County Government has a history of successfully managing and performing work in accordance with our grants. The Urban County Government's staff will administer this clean up grant and will have responsibility for the financial management, contracting, consultant/contractor selection and oversight, and all reporting functions with the Division of Environmental Policy having overall management responsibility.

The Urban County Government uses fund accounting for financial management of all federal funds in accordance with OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments." Established procedures are in place to provide separate financial records for each project for the purpose of identifying the source and use of grant funds. All expenses are fully supported by source documentation. The Urban County Government's Department of Finance and Administration has three divisions that interact to ensure compliance with regulations. Our Division of Community Development serves as the centralized grant management unit for all federal and state grants for purposes of monitoring allowable costs and to ensure timely programmatic and financial reporting. Our Division of Accounting maintains the general accounting system and is responsible for paying all invoices. This Division has responsibility for reviewing and approving financial reports prepared by the Division of Community Development. Our Division of Central Purchasing is responsible for all major purchases for the Urban County Government. This Division has responsibility for ensuring that the procurement regulations are met as well as the federal procurement provisions contained in 40 CFR Part 31. In 2006, the Urban County Government began implementation of an Enterprise Resource Planning system based on Oracle PeopleSoft version 8.9, with the goal of integrating all information systems and business processes. The

Projects/Grants module was launched July 1, 2009 and will be the principal tool used to track and monitor progress under the grant.

Tom Webb, Environmental Initiatives Program Manager Sr. in the Division of Environmental Policy will be the Project Manager for the grant. Mr. Webb has spent his entire professional career in the environmental field. He joined the City of Lexington in July of 1993 and has worked on LFUCG and community environmental issues ever since. First as the Environmental Services Program Manager, then as the City's (first) Environmental Compliance Coordinator, and finally in his current position as the City's (first) Environmental Initiatives Program Manager Sr. Since joining the LFUCG, he has been responsible for administering federal programmatic grants including our current EPA Brownfield Program Assessment Grants and our 2.7 million dollar Energy Efficiency and Conservation Block Grant. Prior to joining the LFUCG he worked as an environmental consultant. Mr. Webb is a Certified Professional Geologist in the Commonwealth of Kentucky and a Certified Hazardous Materials Manager.

The Project Manager will work closely with the assigned Grant Manager within the Division of Community Development to monitor the financial and reporting aspects of the grant. The Grant Manager has been trained in grant reporting requirements and has 20 years of experience successfully managing grants for the Urban County Government.

Also, Lexington created the position of "Infill and Redevelopment Facilitator", a senior level position in the Division of Planning to help shepherd developers through the local process and to make recommendations regarding improvements to the overall growth management system to promote infill and redevelopment. Any potential developer of the Old Courthouse will have the opportunity to work directly with this position in order to identify potential issues and to ensure that the development process will go as smoothly as possible.

The Urban County Government expects to retain the services of a qualified environmental consulting firm to perform the technical work and abatement work for the clean up grant. The consulting firm will be selected using a competitive procurement qualification-based process that complies with the provisions of 40 CFR Part 31.36.

#### b. Audit Findings Description of Adverse Audit Findings

The Single Audit Report under OMB circular A-133 for the year ended June 30, 2012 includes findings and questioned costs for federal awards summarized as follows:

2012-04.1.1 The Government should improve internal control policies and procedures related to the preparation of the Schedule of Expenditures of Federal Awards.

Summary: The Government failed to identify \$222,249 as federal funds from the Kentucky Infrastructure Authority State Revolving Loan Fund for the South Elkhorn Pump Station. The government has retained a consultant to oversee all projects associated with Kentucky Revolving Loan program sponsored by the Kentucky Infrastructure Authority. This process is complete.

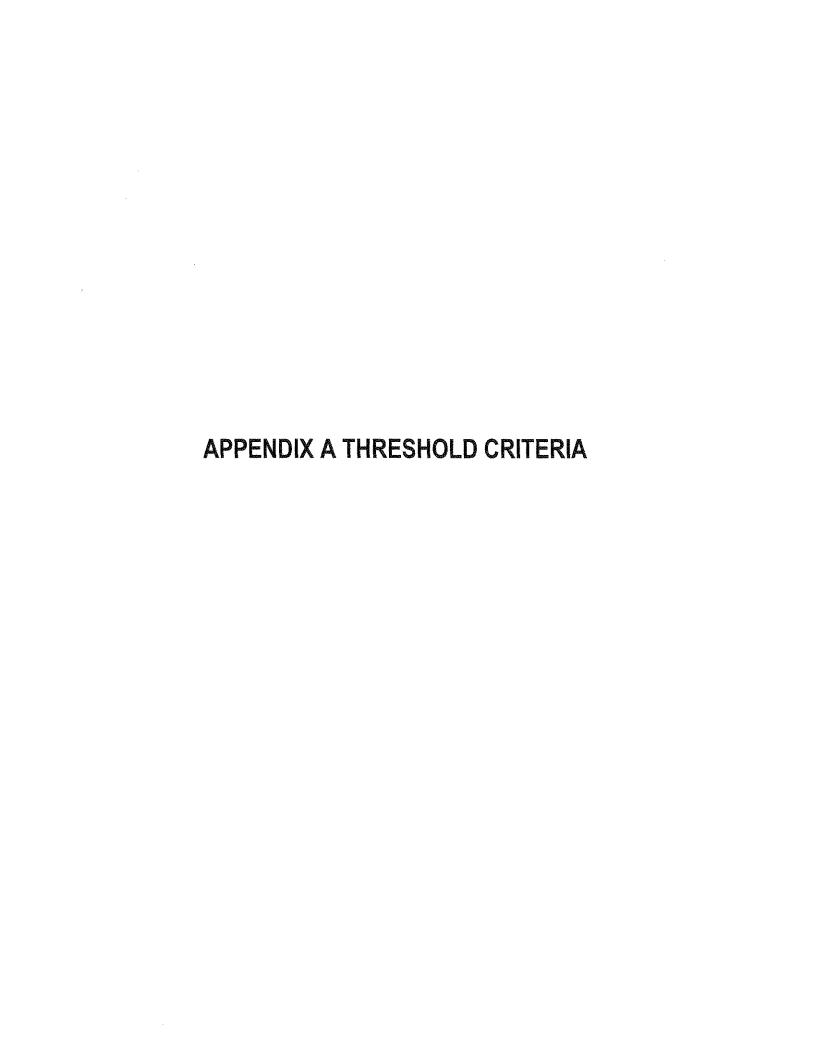
The Equitable Sharing Agreement and Certification Report (Department of Justice Asset Forfeiture Program) was not submitted in a timely manner and did not agree to the accounting records that support the audited financial statements and the Schedule of Expenditures of Federal Awards.

Summary: the equitable Sharing Agreement and Certification Report was filed on time, but an amendment was submitted due to changes being made to the trial balance subsequent to the initial submittal.

The U.S. Department of Housing and Urban Development reviewed the Housing Opportunities for Persons with AIDS program and disallowed indirect costs charged to grant and required that grantee provide documentation of grant qualified expenses that were actually incurred to offset disallowed expenses. To the extent there remained disallowed costs, grantee would make repayment. A new indirect cost rate plan has been submitted to HUD (the grantee's cognizant agency). This finding has been cleared by the funding agency.

#### c. Past Performance and Accomplishments

- i). Currently or Has Ever Received an EPA Brownfields Program Grant. The Lexington-Fayette Urban County Government received a \$200,000 EPA FY 2010 Brownfields Petroleum Assessment Grant in July of 2010 and a \$200,000 EPA FY 2011 Brownfields Hazardous Substances Assessment Grant in July of 2011 and we are successfully administering these grants at the current time under Cooperative Agreement Number BF-95461610-1.
- 1). We are currently compliant with the terms of these grants and are making sufficient progress as defined by the EPA. The assessment grant periods end September 30, 2014. To date our consultant indicates they have either invoiced and/or obligated \$355,000 of the \$400,000 total available. As additional properties are identified and Phase II work continues to progress, we will expend the remaining \$45,000. We do not believe we will benefit from additional funding on these open assessment grants at this time, since our grant period ends September 30, 2014.
- 2). To date, we have 15 properties participating in our EPA brownfield assessment grant program. Phase I ESAs have either been completed or are in progress at all of these sites so one notable output is the assessment of 15 properties. Phase II ESAs are either completed, in progress or pending at eight of these properties, our second output. An Analysis of Brownfield Cleanup Alternatives has been completed for the Old Courthouse; this being our third output. All of these outputs and outcomes were recorded in ACRES reporting system as required by the terms of our assessment grants.



# Lexington Fayette Urban County Government, Lexington, Kentucky Brownfield Cleanup Grant Narrative Proposal 215 West Main Street, Lexington, KY THRESHOLD CRITERIA FOR CLEANUP GRANTS

#### 1. Applicant Eligibility

#### a. Eligible Entity

The Lexington-Fayette Urban County Government (LFUCG) is a merged city-county government in the Commonwealth of Kentucky and is defined by EPA and 40 CFR Part 31 as a general-purpose unit of local government and therefore is eligible for this grant.

#### b. Site Ownership

The Lexington-Fayette Urban County Government is the sole owner of the Old Courthouse building located at 215 West Main Street, Lexington, KY where clean up will occur.

#### 2. Letter from the State or Tribal Environmental Authority

A letter from Mr. Herbert Petitjean, Brownfield Coordinator with the Kentucky Department of Environmental Protection, Division of Compliance Assistance acknowledging their support of Lexington's cleanup grant application is included as an attachment as well as a "clearing house review letter" from the Kentucky Department for Local Government.

#### 3. <u>Site Eligibility and Property Ownership Eligibility</u> Site Eligibility

#### a. Basic Site Information:

Our cleanup grant application is for the Old Courthouse located at 215 West Main Street, Lexington, KY 40508. The Lexington-Fayette Urban County Government is the (sole) current owner of the site.

#### b. Status and History of Contamination at the Site

- (a) Hazardous substances are the concern at this site.
- (b) Our cleanup grant application is for the former Fayette County Courthouse which is now vacant due to environmental concerns. The Lexington-Fayette Urban County Government is the sole owner of this landmark building and the 0.96 acre tract it is situated on, as this tract was platted as the public square in 1780. The "Old Courthouse" is located at 215 West Main Street in the courthouse square and sits in the heart of our downtown. This beautiful 55,000 square feet 4-story stone Cruciform-plan building, in the shape of a Greek cross, is constructed in Richardsonian Romanesque architectural style and has a domed clock tower. This building, the pride of our community, was originally constructed in 1898 and served as our community's courthouse for over a century, until a modern courthouse complex was completed in 2002. This Courthouse was then used as museum space and to help facilitate Lexington Farmer's Market operations until

September 2012 when environmental issues forced the implementation of institutional controls to limit exposure of workers and the public to lead-based paint. This in effect resulted in a cessation of all operations and the Lexington History Museum, the Lexington Public Safety Museum, and the Lexington Renaissance Pharmacy Museum were asked to remove their exhibits. The Courthouse remains closed to the public to this day.

Although the Old Courthouse is now shuttered, the City is still maintaining this structure using taxpayers' funds. The building has been secured, we are maintaining HVAC systems and providing ventilation, and lighting is being provided. Plus in this fiscal year's municipal budget we have obligated \$300,000.00 to stabilize the Old Courthouse. If the building is not returned to productive use in the near future, it may become necessary to "mothball" the building. Comprehensive mothballing programs are generally expensive and may cost 10% or more of a modest rehabilitation budget (National Parks Services Technical Preservation Bulletin 31 Mothballing Historic Buildings). Mothballing such a landmark building in the heart of downtown would be a poster child for community disinvestment and blight and would be a continuing drain on municipal resources.

- (c) The presence of lead based paint (LBP) was the initial environmental concern raised and was the original driver for "shuttering" the Courthouse in 2012. However after being shuttered, the Old Courthouse was assessed through Lexington's current EPA Brownfield Program Assessment Grant. A Phase II ESA was performed at the Old Courthouse in September 2013 and an ABCA prepared in January 2014 both under Lexington's existing Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1). In addition to lead-based paint, asbestos containing materials, mold, and bird droppings (guano) were confirmed to be present at the Courthouse during the Phase II environmental site assessment (ESA). Fluorescent light fixtures containing mercury and CFC containing HVAC equipment are also present. A draft Analysis of Brownfield Cleanup Alternatives (ABCA) was then developed to evaluate cleanup options for this building, also using our current brownfield assessment grant funding- the ABCA is attached to this application.
- (d) We feel it is important to note the site did not "become contaminated" through improper disposal of hazardous substances on the site. Rather, the building is being impacted by environmental concerns caused by the presence of building materials commonly used in past construction throughout the country but which we now know pose environmental hazards. Specifically lead based paint (LBP) and asbestos containing materials (ACM) are the primary environmental concerns at this site and were used widely in buildings of this age. Based on sampling conducted to date, we estimate approximately 43,000 square feet is impacted by lead based paint to include approximately 6,000 square feet area in the rotunda containing a mixture of guano and flaked LBP. There is another 45,000 square feet of building space potentially impacted by lead dust which may require additional cleaning or removal. LBP was identified in the basement, first floor, second floor, third floor, and the rotunda/penthouse.

In regards to asbestos, approximately 38,000 square feet of building space has asbestos containing materials. ACM was identified in the crawlspace, basement, first floor, second floor, third floor, fourth floor and the rotunda. Approximately 320 square feet of visible mold was identified on the first floor, a lesser concern.

A hazardous materials inventory was also conducted to determine the number of lamps, ballasts, mercury-containing devices, chlorofluorocarbon (CFC)-containing equipment, and polychlorinated biphenyl (PCB)-containing equipment. AMEC counted a total of approximately 455 fluorescent light fixtures in the building, each likely having at least one ballast. No labeled PCB containing light ballasts were observed. A visual screening survey of equipment within the buildings was conducted to observe and document the presence, location, and condition of equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Eleven window air conditioning units and three residential 2 ton air conditioning coil units were observed.

#### c. Sites Ineligible for Funding

- (a) This site is not listed or proposed for listing on the National Priorities List.
- (b) This site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA.
- (c) This site is not subject to the jurisdiction, custody, or control of the United States Government.
- (d) This site does not require a property specific determination.
- (e) A Phase I environmental site assessment (ESA) for the Old Courthouse was completed by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC also completed a Phase II ESA dated 30 September 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process." A draft ABCA discussing cleanup options for the Old Courthouse was prepared January 7, 2014. All of these documents were prepared under Lexington's existing Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1).

#### d. Sites Requiring a Property Specific Determination

This site does not require a property-specific determination.

#### e. Environmental Assessment Required for Cleanup Proposals

As mentioned in the application, we have a very good understanding of the types and quantities of environmental contaminants present at the Old Courthouse, since extensive sampling and quantification have already been done here. A Limited Site Survey of Indoor Air Quality was done by Air Source Technology, Inc. (ASTI) dated September 20, 2012 to assess mold. A Lead Paint Inspection Report dated July 2012 was prepared by the LFUCG Division of Facilities Management which found high levels of lead in the basement and penthouse of the building. A Lead-Based Paint Risk Assessment Report was subsequently prepared by Compliance Technologies, LLC dated August 6, 2012 which recommended restricting access to the basement and penthouse, and limiting access to the 4th floor to staff only due to lead based paint hazards. An Asbestos Identification Survey and Inspection Report was prepared by the LFUCG Division of Facilities dated July 2012 and found asbestos containing material (ACM) on all floors of the building.

Using Lexington's current EPA Brownfield Program Assessment Grant funds, a Phase I environmental site assessment (ESA) for the Old Courthouse was completed by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC also completed a Phase II ESA in September 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process."

#### **Property Ownership Eligibility**

#### a. CERCLA Section 107 Liability

The LFUCG is not potentially liable for contamination at this site under CERCLA since we are eligible for one of the CERCLA liability protections or defenses. Specifically the City of Lexington has owned this property since the 1780 when the property this building sits on was platted as the public square (the "Courthouse Square"). Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old Courthouse, the 4th one built on this property, began in 1898.

Since ownership of the courthouse square property occurred in the 1700's prior to the finalization of the first ASTM Phase I standard (May 31, 1997), per EPA guidance the City is not a potentially responsible party and the site is eligible for a cleanup grant even though a Phase I environmental site assessment (ESA) meeting the all appropriate inquiries (AAI) requirement was not completed prior to ownership. Question 77 of the EPA Brownfield Program FY 2014 Grant Guidance Frequently Asked Questions document speaks specifically to this issue: "Prior to the enactment of the 2002 Brownfield Amendments, the standard for AAI contained in CERCLA was that a party must show they conducted AAI into the previous ownership and uses of the property consistent with good commercial or customary practice. This is generally evaluated by looking at commercial or customary practice at the time and place the property was acquired. Depending on the specific circumstances, this may be anything from a title search to a full environmental assessment." As noted in the book Historic Lexington Heart of the Bluegrass when the 47 settlers who formed Lexington signed The Articles of Agreement between the Citizens of Lexington in 1780, the second resolution they passed called for the town to be laid out in lots and reserved 10 acres for "public uses" to include the tract the Old Courthouse occupies. The customary practices in use at the time would have been employed when this property was platted as a public square for Lexington which is sufficient to demonstrate that the applicant has satisfied AAI obligations.

#### b. Enforcement or Other Actions

There are no known ongoing or anticipated environmental enforcement or other actions related to this brownfield site for which funding is being sought.

#### c. Information on Liability and Defenses/Protections

#### i) Information on the Property Acquisition

The City of Lexington acquired ownership of this property in 1780, at the time Lexington was formed. The Old Courthouse building sits on property that was platted as the public square (the "Courthouse Square") in 1780. The City of Lexington (now LFUCG) is currently the sole owner of

this property (fee simple). Due to the unusual length of time we have owned this building, we have had no familial, contractual, corporate or financial relationships or affiliations with any prior owners or operators.

#### ii) Timing and/or Contribution Toward Hazardous Substances Disposal

We feel it is important to note that disposal of hazardous substances has not occurred on this site and the site did not "become contaminated" through improper disposal of hazardous substances. Rather, the interior of the building is being impacted by environmental concerns caused by the presence of building materials commonly used in past construction throughout the country but which we now know pose environmental hazards. Specifically lead based paint (LBP) and asbestos containing materials (ACM) are the primary environmental concerns at this site and were used widely in buildings of this age. Based on sampling conducted to date, we estimate approximately 43,000 square feet is impacted by lead based paint. There is another 45,000 square feet of building space potentially impacted by lead dust which may require additional cleaning or removal. LBP was identified in the basement, first floor, second floor, third floor, and the rotunda/penthouse. Approximately 38,000 square feet has asbestos containing materials

Additional environmental concerns include guano (bird droppings) identified in the rotunda (estimated at 6,000 square feet in area) and approximately 320 square feet of visible mold on the first floor. The guano and mold concerns are due to natural processes and not due to disposal of hazardous substances.

A hazardous materials inventory was also conducted by our consultant (AMEC) to determine the number of lamps, ballasts, mercury-containing devices, chlorofluorocarbon (CFC)-containing equipment, and polychlorinated biphenyl (PCB)-containing equipment. AMEC counted a total of approximately 455 fluorescent light fixtures in the building, each likely having at least one ballast. No labeled PCB containing light ballasts were observed. A visual screening survey of equipment within the buildings was conducted to observe and document the presence, location, and condition of equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Eleven window air conditioning units and three residential 2 ton air conditioning coil units were observed. The presence of this lighting and HVAC equipment, which may contain substances that could be hazardous if released into the environment, has not resulted in any releases. Should this equipment be removed during redevelopment of the Old Courthouse, care will be taken to ensure this equipment is managed in accordance with applicable environmental regulations to prevent releases of hazardous substances.

#### iii) Pre-Purchase Inquiry

The LFUCG is not potentially liable for contamination at this site under CERCLA since we are eligible for one of the CERCLA liability protections or defenses. Specifically the City of Lexington has owned this property since the 1700's and the property this building sits on was platted as the public square (the "Courthouse Square") in 1780. Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old Courthouse, the 4th one built on this property, began in 1898.

Since ownership of the courthouse square property occurred in the 1700's prior to the finalization of the first ASTM Phase I standard (May 31, 1997) per EPA guidance the City is not a potentially responsible party and the site is eligible for a cleanup grant even though a Phase I environmental site assessment (ESA) meeting the all appropriate inquiries (AAI) requirement was not completed prior to ownership. Question 77 of the EPA Brownfield Program FY 2014 Grant Guidance Frequently Asked Questions document speaks specifically to this issue: "Prior to the enactment of the 2002 Brownfield Amendments, the standard for AAI contained in CERCLA was that a party must show they conducted AAI into the previous ownership and uses of the property consistent with good commercial or customary practice. This is generally evaluated by looking at commercial or customary practice at the time and place the property was acquired. Depending on the specific circumstances, this may be anything from a title search to a full environmental assessment." Lexington would have used the customary practices when originally obtaining the courthouse property which is sufficient to demonstrate that the applicant has satisfied AAI obligations.

We have made inquiries into previous ownership, uses of the property, and environmental conditions prior to our ownership. Specifically a Phase I environmental site assessment (ESA) for the Old Courthouse was completed for the LFUCG by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC personnel Bob Money and Tom Reed performed the Phase I Environmental Site Assessment and meet the terms of qualified environmental professionals as attested by the following statement included in the Phase I ESA: "I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental professional as defined in 40 CFR Part 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312." Bob Money and Tom Reed are both Professional Geologists.

AMEC also completed a Phase II ESA dated 30 September 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process." A draft ABCA discussing cleanup options for the Old Courthouse was also prepared by AMEC on January 7, 2014. All of these documents were prepared under Lexington's existing Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1).

#### iv) Post-Acquisition Uses

Our cleanup grant application is for the former Fayette County Courthouse which is now vacant due to environmental concerns. The Lexington-Fayette Urban County Government is the sole owner of this landmark building and the 0.96 acre tract it is situated on, known as Courthouse Square, at 215 West Main Street.

This site has been used for public space since the public square was platted at this location in 1780. According to <a href="www.Kaintuckeean.com">www.Kaintuckeean.com</a> the first schoolhouse in Kentucky was built on this site in 1783; in subsequent years four more of our community's courthouses were built on this site. Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old

Courthouse, the 4th one built on this property, began in 1898. The Old Courthouse then served as our community's courthouse for over a century, until a modern courthouse complex was completed in 2002 on a different parcel of land. This Courthouse was then used as museum space and to help facilitate Lexington Farmer's Market operations until September 2012 when environmental issues forced the implementation of institutional controls to limit exposure of workers and the public to lead-based paint. This in effect resulted in a cessation of all operations and the Lexington History Museum, the Lexington Public Safety Museum, and the Lexington Renaissance Pharmacy Museum were asked to remove their exhibits. The Courthouse remains closed to the public to this day.

#### v) Continuing Obligations

The LFUCG has exercised appropriate care with respect to hazardous substances. As evidence of this, we submit the following information. Once the LFUCG became aware of lead based paint concerns, the LFUCG took steps to stop any continuing releases, prevent threatened releases, and prevent or limit exposure to any previously released hazardous substances. Specific steps included: cessation of museum operations; implementation of institutional controls; restricting access to Operations and Maintenance employees only, preparation of a Site Safety Plan, optimizing HVAC to limit the spread of lead based paint dust, and sampling to determine condition of the building and the extent of environmental concerns. A Limited Site Survey of Indoor Air Quality was done by Air Source Technology, Inc. (ASTI) dated September 20, 2012 to assess mold. A Lead Paint Inspection Report dated July 2012 was prepared by the LFUCG Division of Facilities Management which found high levels of lead in the basement and penthouse of the building. A Lead-Based Paint Risk Assessment Report was subsequently prepared by Compliance Technologies, LLC dated August 6, 2012 which recommended restricting access to the basement and penthouse, and limiting access to the 4th floor to staff only due to lead based paint hazards. An Asbestos Identification Survey and Inspection Report was prepared by the LFUCG Division of Facilities dated July 2012 and found asbestos containing material (ACM) on all floors of the building.

As further evidence, although the Old Courthouse is now shuttered, the City is still maintaining this structure using taxpayers' funds. The building has been secured, we are maintaining HVAC systems and providing ventilation, and lighting is being provided. Plus in this fiscal year's municipal budget we have obligated \$300,000.00 for stabilizing the Old Courthouse. An initial predevelopment budget of \$250,000 was provided by our Urban County Council in October of 2013 for engineering, architectural design and environmental work.

The LFUCG confirms our commitment to comply with all land use restrictions and controls; assist and cooperate with those performing the cleanup and provide access to the property; comply with all information requests and administrative subpoenas that have or may be issued in connection with the property and; provide all legally required notices.

#### 4) Cleanup Authority and Overall Structure

a) The LFUCG has the full support of the Kentucky Department of Environmental Protection. This state agency will have regulatory authority over abatement activities and administers its brownfields program through the Division of Compliance Assistance (DCA). This site will be

enrolled in the Kentucky state response program. We will comply with all federal and state laws and ensure that clean up activities protect human health and the environment.

The Urban County Government has a history of successfully managing and performing work in accordance with our grants. The Urban County Government's staff will administer this clean up grant and will have responsibility for the financial management, contracting, consultant/contractor selection and oversight, and all reporting functions with the Division of Environmental Policy having overall management responsibility.

The Urban County Government uses fund accounting for financial management of all federal funds in accordance with OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments." Established procedures are in place to provide separate financial records for each project for the purpose of identifying the source and use of grant funds. All expenses are fully supported by source documentation. The Urban County Government's Department of Finance and Administration has three divisions that interact to ensure compliance with regulations. Our *Division* of Community Development serves as the centralized grant management unit for all federal and state grants for purposes of monitoring allowable costs and to ensure timely programmatic and financial reporting. Our Division of Accounting maintains the general accounting system and is responsible for paying all invoices. This Division has responsibility for reviewing and approving financial reports prepared by the Division of Community Development. Our Division of Central Purchasing is responsible for all major purchases for the Urban County Government. This Division has responsibility for ensuring that the procurement regulations are met as well as the federal procurement provisions contained in 40 CFR Part 31. In 2006, the Urban County Government began implementation of an Enterprise Resource Planning system based on Oracle PeopleSoft version 8.9, with the goal of integrating all information systems and business processes. The Projects/Grants module was launched July 1, 2009 and will be the principal tool used to track and monitor progress under the grant.

Tom Webb, Environmental Initiatives Program Manager Sr. in the Division of Environmental Policy will be the Project Manager for the grant. Mr. Webb has spent his entire professional career in the environmental field. He joined the City of Lexington in July of 1993 and has worked on LFUCG and community environmental issues ever since. First as the Environmental Services Program Manager, then as the City's (first) Environmental Compliance Coordinator, and finally in his current position as the City's (first) Environmental Initiatives Program Manager Sr. Since joining the LFUCG, he has been responsible for administering federal programmatic grants including our current EPA Brownfield Program Assessment Grants and our 2.7 million dollar Energy Efficiency and Conservation Block Grant. Prior to joining the LFUCG he worked as an environmental consultant. Mr. Webb is a Certified Professional Geologist in the Commonwealth of Kentucky and a Certified Hazardous Materials Manager.

The Project Manager will work closely with the assigned Grant Manager within the Division of Community Development to monitor the financial and reporting aspects of the grant. The Grant Manager has been trained in grant reporting requirements and has 20 years of experience successfully managing grants for the Urban County Government.

The Urban County Government expects to retain the services of a qualified environmental consulting firm to perform the technical work and abatement work for the clean up grant. The

consulting firm will be selected using a competitive procurement qualification-based process that complies with the provisions of 40 CFR Part 31.36. The successful consulting firm will have the following minimum qualifications: demonstrated thorough knowledge of Kentucky's Voluntary Environmental Remediation Program and a history of successfully completing brownfield cleanup and redevelopment projects and meeting EPA Brownfield Program grant requirements.

b) Since clean up activities will occur entirely inside the Old Courthouse building and the site is large enough to stage equipment on, we do not anticipate any impacts to other properties and will not need to seek access to other properties.

#### 5. Cost Share

#### a) Statutory Cost Share

- i) In October 2013 our Urban County Council voted to spend \$250,000 on pre-development work at the Old Courthouse to include environmental work; \$40,000 of this \$250,000 will be used as our match should we be selected to receive an EPA cleanup grant. This in effect means the expenditure of these funds has already been approved by our government and the funds are ready for use now. The "accounting string" for these funds is 1105-900609-0001-71206. Attached to this application is a copy of a memo from our Director of Community Development to our Mayor requesting Council approval to submit this cleanup grant application to the EPA and detailing which account our 20% cost share will come from. The Urban County Council subsequently passed this resolution (Resolution #0008-14) on January 16, 2014.
- ii) We are not requesting a hardship waiver.

#### Community Notification

The LFUCG provided public notice to the community two weeks prior to the grant due date (on January 8, 2014) that we would be making application for the EPA Brownfield Program Cleanup Grant using our customary methods and that we were accepting comments on the application. This notice was provided in two ways: through a Media Release by our Division of Government Communications which goes out to nearly all the local media organizations and through the City's website. Copies of this notification are attached to our application. An on air (radio) interview was also subsequently conducted to further highlight the grant application. A central email address was established to receive public comments submitted via the web.

A public meeting to discuss the cleanup grant application was held 6:30 pm on Wednesday January 15, 2014 to discuss the application and accept public comments. A written agenda was disseminated at this meeting and agenda topics included introductions, purpose of meeting, sign in sheet, description of efforts to date, cleanup application review, acceptance of comments/suggestions, and next steps. The public meeting agenda, sign in sheet and comments are attached to this document as well as a written summary of the public meeting.

Two comments were received via the web- these are also attached to this application.

All comments were supportive of efforts to preserve the Old Courthouse and it was not necessary to make extensive revisions to the grant application in response to the comments received. However changes were made in response to comments to include providing more detail on the

budget, adding an additional partner (History Museum), and specifically stating in the application that we are will take steps to stop intrusion of water to prevent mold and keep birds out to prevent additional guano from being deposited. One commenter asked whether it would be possible for some of the larger museum items (which may be difficult to move) to remain on site during cleanup activities- the response to this comment was that this may be possible but further discussions would have to occur between other parties involved in the redevelopment of the Old Courthouse and the selected cleanup contractor.



#### ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION DIVISION OF COMPLIANCE ASSISTANCE

> 300 FAIR OAKS LANE FRANKFORT, KENTUCKY 40601 PHONE (502) 564-0323 FAX (502)564-4245 www.dep.ky.gov

> > January 2, 2014

Mr. Jim Gray, Mayor 200 East Main Street Lexington, KY 40507

Re: Letter of Support for Brownfield Grant Application from the Lexington-Fayette Urban

County Government

Dear Mayor Gray:

The Kentucky Department for Environmental Protection (DEP) is supportive of, and committed to, the work of the Lexington-Fayette Urban County Government (LFUCG) to identify and address brownfield sites in the community. DEP is the state agency charged by the legislature with the responsibility of implementing the Kentucky equivalent of the federal Superfund program, and as such, is an essential component of any attempt to systematically address brownfields redevelopment. We support LFUCG's application for a Brownfield Cleanup Grant to address environmental concerns in the old Courthouse and look forward to continuing our work with the city on this important issue.

> Sincerely, Harbert Petersian

Herbert Petitjean

**Brownfield Coordinator** 

HCP:hp

Thomas Webb (LFUCG) ec:

Irene Gooding (LFUCG)

Amanda LeFevre (Brownfield Outreach Coordinator)

Danielle Crosman (Division of Compliance Assistance)

Sheri Adkins (Division of Waste Management)

Jim Kirby (Division of Waste Management)

Richard F. Thomas (Division of Waste Management, Frankfort Regional Office)



Leonard K. Peters

Secretary



STEVEN L. BESHEAR GOVERNOR

## DEPARTMENT FOR LOCAL GOVERNMENT OFFICE OF THE GOVERNOR

TONY WILDER COMMISSIONER

1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601-8204 Phone (502) 573-2382 Fax (502) 573-2939 Toll Free (800) 346-5606 WWW.DLG.KY.GOV

December 23, 2013

Ms. Irene Gooding LFUCG 200 East Main Street Lexington, KY 40507

RE:

Brownfield Program Cleanup for Old Fayette County Courthouse Building

SAI# KY20131205-1138

CFDA# 66.818

Dear Ms. Gooding:

The Kentucky State Clearinghouse, which has been officially designated as the Commonwealth's Single Point of Contact (SPOC) pursuant to Presidential Executive Order 12372, has completed its evaluation of your proposal. The clearinghouse review of this proposal indicates there are no identifiable conflicts with any state or local plan, goal, or objective. Therefore, the State Clearinghouse recommends this project be approved for assistance by the cognizant federal agency.

Although the primary function of the State Single Point of Contact is to coordinate the state and local evaluation of your proposal, the Kentucky State Clearinghouse also utilizes this process to apprise the applicant of statutory and regulatory requirements or other types of information which could prove to be useful in the event the project is approved for assistance. Information of this nature, if any, concerning this particular proposal will be attached to this correspondence.

You should now continue with the application process prescribed by the appropriate funding agency. This process may include a detailed review by state agencies that have authority over specific types of projects.

This letter signifies only that the project has been processed through the State Single Point of Contact. It is neither a commitment of funds from this agency or any other state of federal agency.

The results of this review are valid for one year from the date of this letter. Continuation or renewal applications must be submitted to the State Clearinghouse annually. An application not submitted to the funding agency, or not approved within one year after completion of this review, must be re-submitted to receive a valid intergovernmental review.

If you have any questions regarding this letter, please feel free to contact my office at 502-573-2382.

Sincerely,

Lee Nalley

Kentucky State Clearinghouse

Attachments

The Housing, Building, Construction has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

No comments

The Natural Resources has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

This review is based upon the information that was provided by the applicant through the Clearinghouse for this project. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications, or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

The KY Dept. of Transportation has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

Sizemore (D-7), Ricky: In the event construction activities encroach upon state maintained right of way, it may become necessary to obtain a standard encroachment permit. Permit requests and questions may be directed to Daniel Kucela, District Seven Highway Dept. Permits Engr. @ 763 W. New Circle Road, Lexington, KY 40512. Phone (859) 246-2355 or email at daniel.kucela@ky.gov.

The Heritage Council has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

The applicant must ensure compliance with the Advisory Council on Historic Preservation's Rules and Regulations for the Protection of Historic and Cultural Properties (36CFR, Part 800) pursuant to the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, and Executive Order 11593.

The former Fayette County Courthouse is listed in the National Register of Historic Places. The project includes elements with potential to result in an adverse effect, so plans should be developed to ensure all work on the building conforms to the Secretary of the Interior's standards and guidelines and applicable information from related publications, like the National Park Service's Preservation Briefs. More specific plans or a detailed scope of work outlining the locations and methods planned for clean-up activities must be submitted for review prior to any work beginning in the courthouse.

If any clean-up activities include abating materials in soils around the building, we recommend coordinating as soon as possible with our office to determine whether you need to plan for archaeology as part of the project.

An invitation for consulting parties involvement should be issued to at least the LFUCG Division of Historic Preservation and the Blue Grass Trust for Historic Preservation to determine if these entities would like to participate in plan review; the federal agency should be consulted on protocol re: consulting parties involvement.

If you have questions regarding these comments, please contact Jill Howe at 502-564-7005, ext. 121,

The Labor Cabinet has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

PW RATES MAY APPLY IF PROJECT COST EXCEEDS \$250,000.00. CONTACT KY LABOR CABINET AT 502 - 564 3534

The KY State Fish & Wildlife has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

Based on the information provided, the Kentucky Department of Fish & Wildlife Resources has no comments concerning the proposed project. Please contact Dan Stoelb @ 502-564-7109 ex. 4453 or Daniel.Stoelb@ky.gov if you have further questions or require additional information.

## **Lexington-Fayette Urban County Government**

200 E. Main St Lexington, KY 40507



### Docket

Thursday, January 16, 2014 6:00 PM

**Council Chambers** 

**Urban County Council** 

Church, (\$1,304.12); Bluegrass Chapter Order of Demolay (\$1,332.32); Paul Lawrence Dunbar Cross Country (\$1,103.60); Christ Centered Church, BSA #59 (\$1,567.20); Bryan Station High School Wrestling & Boys Soccer (\$1,265.40); Immanuel Baptist Church, BSA #41 (\$1,231.68); BSA Troop #98 (\$1,157.40); Beaumont Presbyterian, BSA #279 (\$1,038.28); Christian Youth Fellowship (\$1,942.48); Phillips Memorial Church (\$2,191.56); Greater Faith Apostolic Church (\$523.00); First United Methodist Church, BSA Troop #1789 (\$772.00); Boy Scout Troop #103 (\$400.00); El Shaddai Temple House of Yahweh (\$1,992.32); Boy Scout Troop #186 (\$360.00); El Shaddai Temple House of Yahweh (\$448.28); Tates Creek Presbyterian Church, BSA #226 (\$921.44); Disney Store Team and BSA #1789 (\$636.12); Lexington Swingers Golf Club Inc. (\$1,616.00); JRC Crew 728 (\$1,023.13); El Shaddai Temple House of Yahweh (\$1,472.00); and JRC Crew 728 (\$1,980.00) for participation in the Adopt-A-Spot Roadway Cleanup Program, at a cost not to exceed \$26,278.33. [Div. of Grants and Special Programs/ Dept. of Environmental Quality and Public Works, Gooding/Martin]

16. 0007-14

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Waterford II Neighborhood Association, Inc., for Stormwater Quality Projects, at a cost not to exceed \$46,640.48. [Dept. of Environmental Quality and Public Works, Martin]

17. 0008-14

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$200,000 Federal funds, and are for remediation of environmental concerns at the Fayette County Courthouse. [Div. of Grants and Special Programs/ Dept. of Environmental Quality and Public Works, Gooding/Martin]

18. 0009-14

A Resolution accepting the response of Brandstetter Carroll, Inc., to RFP No. 30-2013 - Phase A Design Services of the Replacement Fire Station #2, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Brandstetter Carroll, Inc., to provide services related to the RFP, at a cost not to exceed \$64,880, for the Dept. of General Services. [Dept. of General Services, Reed]



## Lexington-Fayette Urban County Government DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray Mayor

Sally Hamilton CAO

TO:

JIM GRAY, MAYOR

URBAN COUNTY COUNCIL

FROM:

IRENE GOODING, DIRECTOR

DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE:

**DECEMBER 31, 2013** 

SUBJECT

REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNFIELDS CLEANUP GRANT FOR FAYETTE COUNTY

COURTHOUSE PROPERTY

The Division of Environmental Policy has prepared an application requesting federal funds from the Environmental Protection Agency for a Brownfield Program Cleanup Grant to help remediate environmental concerns identified at the old Fayette County Courthouse, 215 West Main Street. Addressing environmental concerns, including lead based paint, asbestos containing materials, mold, and guano, will help facilitate reuse of this property.

Federal funds in the amount of \$200,000 are being requested. A local match amount in the amount of \$40,000 is required. Match is available in account 1105-900609-0001-71206.

A brownfield site is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, and petroleum or petroleum products. These funds are authorized by the Comprehensive Environmental Response, Compensation and Liability Act as amended by the Small Business Liability Relief and Brownsfield Revitalization Act.

Council authorization to submit application is hereby requested.

Irene Gooding, Director

Xc: Charlie Martin, Acting Commissioner of the Department of Environmental Quality and Public Works



Lexington Downtown Development Authority

101 East Vine Street Lexington, KY 40507

Office: (859) 425-2296 Fax: (859) 425-2292 www.lexingtondida.com Board of Directors
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Batry Holmes
Bob Estes

Staff JeffFügats, President Brandi L. Berryman, Project Monager Mony Ronkin, Administrative Aide

January 9, 2014

Hon. Jim Gray, Mayor Lexington-Fayette Urban County Government Office of the Mayor 200 East Main Street Lexington, KY-40507

Dear Mayor Gray:

As you know, the LDDA is acutely interested in seeing the redevelopment of the Old Fayette County Courthouse. It remains Lexington's final landmark public building that predates the 20<sup>th</sup> Century and holds promise as an anchor for the ongoing redevelopment of Lexington's downtown.

With challenging buildings such as the courthouse, environmental issues often pose an expensive roadblock to the economics of redevelopment. As the LDDA has been charged with finding and implementing a redevelopment solution, we are extremely supportive of your application to the EPA for brownfields assistance. Remediation will clear the way for the next step of redevelopment.

To demonstrate our support, the LDDA is committing \$40,000 from the capital budget for the Courthouse to match the EPA grant, should it be awarded.

Sincerely,

Jeff Fugate President

# Courthouse Square Foundation, Inc. 835 Glendover Road Lexington, KY 40502

January 15, 2014

Hon. Jim Gray, Mayor Lexington-Fayette Urban County Government Office of the Mayor 200 East Main Street Lexington, KY 40507

Dear Mayor Gray:

The Courthouse Square Foundation, Inc., a Kentucky nonprofit corporation exempt under IRC 501(c)(3), was formed to assist in raising public support for restoration of the Old Courthouse. We have been working with the Downtown Devleopment Authority to that goal.

Obviously, the brownfields cleanup grant will be vitally important to funding a critical step in the process of restoration.

We look forward to continuing in our advisory capacity to you and your staff as well as the DDA in working towards the restoration of this important landmark in our community, and in providing educational outreach to the community.

We support your efforts to obtain this grant.

Sincerely

President



January 16, 2014

Hon. Jim Gray, Mayor Lexington-Fayette Urban County Government Office of the Mayor 200 East Main Street Lexington, KY 40507

Dear Mayor Gray:

The Lexington History Museum is a 501(c)3 not-for-profit organization. The Lexington History Museum engages all people in the discovery and interpretation of the history of Lexington, Ky. and the Bluegrass Region. Incorporated in 2000, the Lexington History Museum, Inc. opened in the former Fayette County Courthouse in October 2003 in a partnership with the Lexington Fayette Urban County Government. After nine successful years in the Old Fayette County Courthouse, the building was closed to due to environmental hazards.

Due to finding lead, asbestos, and other issues, it has been deemed that the Old Courthouse is not safe for either the visiting public or the museum staff. Until moneys can be found to make the building safe, it is sitting with no other purpose than as storeage of artifacts for the museum. The grant which LFUCG is seeking will facilitate the clean up lead-based paint, asbestos-containing materials, mold, and bird droppings which will allow the museum to reopen in this space.

Having the museum in this space is a great boon to the Lexington community. According to the American Alliance of the Museum, Museums are job creators, employing 400,000 Americans and directly contributing \$21 billion to the American economy each year (2008 estimate). They contribute billions more by attracting tourists, promoting economic development and making communities more desirable for employers and their workers. Museums rank among the top three family vacation destinations, attracting more than 165 million tourists annually (2011 estimate) from around the world and bolstering a large tourism industry in local communities. The U.S. Conference of Mayors has recognized that "the arts, humanities, and museums are critical to the quality of life and livability of America's cities. It has been shown that the nonprofit arts and culture industry generates over \$166 billion in economic activity annually, supports over 5.7 million full time jobs, and returns over \$12 billion in federal income taxes annually. Governments which support the arts on average see a return on investment of over \$7 in taxes for every \$1 that the government appropriates."



The Lexington History Museum is more than willing to aid this process in any way it can. Our main area of support will be in educating the public about environmental issues and how clean up can and will be achieved. Community outreach is one of the strengths of the Lexington History Museum and we welcome the chance to educate the community on the importance of this process, the building, and its role in the future of our city.

The Lexington History Museum is very excited about LFUCG's application to U.S. EPA for a \$200,000 Brownfields Program. The Old Courthouse is a vital to the city of Lexington, and her pride in herself as a community.

Sincerely,

Debra Watkins

Debra Watkins
Director
Lexington History Museum



Fayette Alliance

603 West Short Street Lexington, Kentucky 40508 859,281,1202 Phone 859,281,1292 Fax info@fayetteallience.com fayettealliance.com

Board Members

Jimmy Bell Price Bell, Jr. Todd Clark Susan Enfow Greg Goodman Gay Haggin VanMeter Dave Harper Stan Harvey Barry Holmes Patrick McGee John Philips Tom Poskin Sam Razor Walt Robertson Don Robinson Sasha Sanan David Switzer Jack van Nagell Griffin Van Meter Holly Wiedemann Anthony Wright,

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Executive Director Knox van Nagell, JD January 14th, 2014

Hon. Jim Gray, Mayor Lexington-Fayette Urban County Government Office of the Mayor 200 East Main Street Lexington, KY 40507

Dear Mayor Gray,

I am writing this letter on behalf of the Fayette Alliance. The Fayette Alliance is Lexington's only land-use advocacy organization dedicated to growing our city and promoting our farms.

Through our efforts at government and beyond, we believe that Lexington can be the model for sustainable growth by balancing and connecting our vibrant city with our productive and beautiful Bluegrass farmland.

In furtherance of this mission, The Fayette Alliance supports LFUCG's application to acquire a \$200,000 brownfield grant from the EPA.

If secured, this grant will address many environmental issues in Lexington's Old Courthouse building--located at 215 West Main Street-- such as cleaning up lead-based paint, asbestos-containing materials, mold, and bird droppings. Ultimately, these efforts will facilitate the redevelopment of this landmark property.

Fayette Alliance endorses LFUCG's brownfield clean-up grant, as it promotes environmental rehabilitation of one of Lexington's most iconic properties, and supports needed infill and redevelopment efforts in the city.

Thank you for your consideration, and please contact me anytime at 859.281.1202 if I can be of further assistance.

All my best.

Knox van Nagell, J.D. Executive Director

Fayette Alliance



"DLC is a partnership of businesses, individuals and the public sector committed to the shared vision of a clean, safe and vibrant Downtown."

January 13, 2014

Hon. Jim Gray, Mayor Lexington-Fayette Urban County Government Office of the Mayor 200 East Main Street Lexington, KY 40507

Dear Mayor Gray:

Downtown Lexington Corporation (DLC) works to promote downtown Lexington to make it a desirable place to live, work and visit. We have been in the community for over 25 years and have been privileged to see our downtown grow and thrive, especially in the last few years.

The Old Courthouse is an icon in our downtown and to have it rehabilitated is critical to ensuring that the area surrounding it continues to thrive and serve as a gathering spot for so many people. The blocks surrounding the Old Courthouse have become downtown's entertainment district and have seen dozens of new businesses open in recent years. If left unattended this building will continue to deteriorate and that will likely be damaging to the entire district and would set the success of our downtown back.

DLC's staff would be willing to serve on any advisory committee or task force that might be formed in regard to this project. I have a unique understanding of how this grant can benefit downtown Lexington and what will be involved; my undergraduate degree is in Landscape Architecture and my Masters' degree is in Public Administration with a focus in Environmental Quality. DLC would also be willing to get information out to the public about any meetings or what the benefit of this project would be for downtown Lexington. Additionally, DLC has a large network of public outreach through our social media, weekly e-newsletters and weekly radio interviews.

DLC strongly supports the LFUCG in their efforts to restore the Old Courthouse by obtaining an EPA grant through the Brownfield Program. This iconic building deserves to be rehabilitated and will serve as a beacon in our downtown for decades to come.

Sincerely,

Renee Jackson

President, Downtown Lexington Corporation



January 7, 2014

The Honorable Jim Gray
Mayor
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507

Dear Mayor Gray:

The primary mission of the Lexington Convention and Visitors Bureau, known as VisitLEX, is to enhance economic impact through the marketing and promotion of Lexington/Fayette County as a premier tourist destination. While we are truly fortunate to have a great variety of attractions and amenities that truly make Lexington a special place, we cannot overlook the importance of history and heritage to our visitors.

The single most popular piece of collateral, requested by thousands of visitors to our Lexington Visitors Center, is the "Downtown Lexington Walking Tour Map". This piece provides our guests with a walking history of Lexington parks, the many historic buildings and more importantly, a focus on the Historic Fayette County Courthouse as the core to our history and heritage.

It is unfortunate, but understandable, that the old courthouse was closed to the public due to issues with lead paint and asbestos. Efforts to clean up the environmental issues so that the community can move forward with rehabilitation of this exceptional building, would be a great benefit to the area. From a tourism perspective, we could once again introduce thousands of visitors to this iconic structure in the form of educational tours, meeting facilities for convention business and as host to many special events. The building would once again become the core of the community.

VisitLEX is in full support of bringing the Old Courthouse back to life, first by clean up of the environmental challenges with the building and followed by redevelopment of the facility to once again become a key component of our downtown and the pride of Lexington.

I will be happy to discuss our support of the project in greater detail at your convenience.

Sincerely,

Jim Browder
President



## Lexington-Fayette Urban County Government DIVISION OF GOVERNMENT COMMUNICATIONS

Jim Gray Mayor

January 8, 2014

Contact: Tom Webb Office: 859-425-2808

Lexington soliciting public comments for old courthouse cleanup grant application

Lexington is currently seeking public comments on a clean up grant application for the Old Fayette County Courthouse located at 215 West Main Street for submittal to the U.S. Environmental Protection Agency (EPA).

EPA's Brownfields Program provides funds to empower communities to clean up and reuse underutilized sites. Lexington is requesting \$200,000 in Fiscal Year 2014 clean up grant funds. If awarded, these federal funds will be used to help address environmental concerns identified at the Old Courthouse to include lead-based paint, mold, asbestos-containing materials, and bird droppings. Addressing environmental concerns is one of the key efforts to making the Old Courthouse usable again.

The draft application can be viewed on the web at www.Lexingtonky.gov/brownfields or at the Central Library located at 140 East Main Street. A public meeting to accept comments on the application will be held 6:30 pm in Room A of the Central Public Library on Wednesday, January 15, 2014. Public comments can also be submitted via brownfields@lexingtonky.gov.

The courthouse was constructed in 1898 and was used for a century for judicial proceedings. In recent years it had housed the Lexington History Museum, the Lexington Public Safety Museum and the Kentucky Renaissance

Pharmacy Museum. The building was closed in 2012 due to environmental concerns.

-30-

#### City News

# Lexington soliciting comments for old courthouse cleanup grant application

Posted Date: 1/8/2014 2:30 PM

Lexington is currently seeking public comments on a clean up grant application for the Old Fayette County Courthouse located at 215 West Main Street for submittal to the U.S. Environmental Protection Agency (EPA).

EPA's Brownfields Program provides funds to empower communities to clean up and reuse underutilized sites. Lexington is requesting \$200,000 in Fiscal Year 2014 clean up grant funds. If awarded, these federal funds will be used to help address environmental concerns identified at the Old Courthouse to include lead-based paint, mold, asbestos-containing materials, and bird droppings. Addressing environmental concerns is one of the key efforts to making the Old Courthouse usable again.

The draft application can be viewed on the web beginning Friday, Jan. 10, at www.Lexingtonky.gov/brownfields or at the Central Library located at 140 East Main Street. A public meeting to accept comments on the application will be held Wednesday, January 15, 2014 at 6:30 p.m. in Room A of the Central Public Library. Public comments can also be submitted via brownfields@lexingtonky.gov.

The courthouse was constructed in 1898 and was used for a century for judicial proceedings. In recent years, it had housed the Lexington History Museum, the Lexington Public Safety Museum and the Kentucky Renaissance Pharmacy Museum. The building was closed in 2012 due to environmental concerns.

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Wolf Run Watershed Management Plan Project

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310

Mayor Jim Gray

Planning

Public Safety

# live in relexington

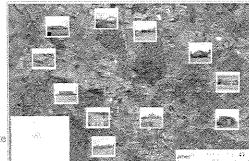
Gity Government » Environmental Quality & Public Works » Division of Environmental Policy » Green Initiatives

## Lexington's Brownfield Program

& Print

Brownfields are abandoned, idle, or underutilized industrial and commercial properties where redevelopment is complicated by real or perceived environmental contamination. Brownfields can be as small as an old comer gas station or as large as a manufacturing facility.

Lexington is currently seeking public comments on our Fiscal Year 2014 EPA Brownfield Program Cleanup Grant application for the Old Fayette County Courthouse located at 215 West Main Street. Information about Lexington's Cleanup



Grant application can be viewed here, and EPA grant guidelines can be viewed here. Public comments will be accepted through email until January 17.

A public meeting to accept comments on the Cleanup Grant application will also be held on Wednesday, January 15, at 6:30 p.m. at the Central Branch of the Lexington Public Library in Room A.

The US Environmental Protection Agency (EPA) Brownfield Program helps communities address potential health risks and restore the economic viability of brownfield properties. Lexington earlier received a \$400,000 in EPA Brownfield Program Assessment Grant funds to assess Fayette County brownfield sites. The funds are being used to identify potential brownfield sites that could benefit by being assessed, to perform environmental site assessments, and to develop cleanup plans. Half of the funds are being used for properties that may be contaminated by petroleum, with the remaining half being used for properties that may be contaminated with hazardous substances.

Participation in the Assessment Grant Program is voluntary for property owners, and the site assessments and cleanup plans are performed at no cost. This is a community-wide assessment grant that can be used on any property in the county that meets eligibility requirements.

Assessing brownfield properties in our community is the first step in developing a plan to revitalize and reclaim these pieces of property.

#### **Program Information**

Frequently Asked Questions Public Document Repository

#### In the News

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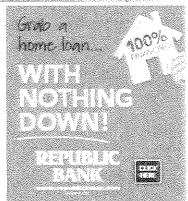
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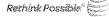






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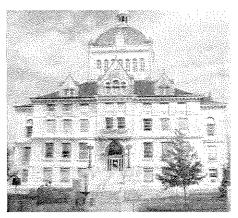


Wednesday, January 8, 2014

# Lexington seeking comments for grant to clean up Old Fayette County Courthouse

Lexington is currently seeking public comments on a clean-up grant application for the Old Fayette County Courthouse located at 215 W. Main St. for submittal to the U.S. Environmental Protection Agency.

EPA's Brownfields Program provides funds to empower communities to clean up and reuse underutilized sites. Lexington is requesting \$200,000 in Fiscal Year 2014 clean-up grant funds. If awarded, these federal funds will be used to help address environmental identified at Courthouse to include lead-based paint, mold, asbestos-containing materials, bird droppings. Addressing environmental concerns is one of the efforts to making the Old Courthouse usable again.



(Photo from Wikimedia Commons)

The draft application can be viewed on the web beginning Friday, Jan. 10, at Lexingtonky.gov/brownfields or at the Central Library located at 140 E. Main St.

A public meeting to accept comments on the application will be held Wednesday, Jan. 15 at 6:30 p.m. in Room A of the Central Public Library. Public comments can also be submitted via brownfields@lexingtonky.gov.

The courthouse was constructed in 1898 and was used for a century for judicial proceedings. In recent years, it had housed the Lexington History Museum, the Lexington Public Safety Museum and the Kentucky Renaissance Pharmacy Museum. The building was closed in 2012 due to environmental concerns.

You might also be interested in reading Lexington's historic courthouse to remain closed because of health safety concerns and Peter Brackney:

# EPA BROWNFIELD CLEANUP GRANT APPLICATION PUBLIC MEETING JANUARY 15, 2014

#### AGENDA

- INTRODUCTIONS
- PURPOSE OF MEETING
- SIGN IN SHEET
- DESCRIPTION OF EFFORTS TO DATE
- CLEANUP APPLICATION REVIEW
- ACCEPTANCE OF COMMENTS/SUGGESTIONS
- NEXT STEPS

Brownfields Cleanup Grant for Old Courthouse - Public Meeting Sign-in Sheet

		, Can	N.	_	5										
Email	859 566 3730 Sarah. donaldson @armec.com	Con 15 house Syman Flad 859-219-255 Oldson Mall Kylomans & Com	959 566 3737 Lab-money@amec.com	jorigas@ kerindon/4.ga	859-367-1546 Stugate Olexister Da. an	859-425-2808 tomes d Aug, com		The second secon		- Andrew Control of the Control of t	er men er en		Annual Language Color of Color	Common Principal Conference on the Conference on	
Phone	859 566 3730	855-219-2855	959 566 3737	894-425-2343	859-367-1546	856-425-2808									
Organization	AMEC	land huse Symon Flas	AMEC	LFUCG	Y047	LFUCE	To the second se								
Name	Sorah Donaldson	Forten Colleanka In	Kob Money	Cada W. Gridas	JEH CHICATE	16n 410 bb						7			

Date: January 15, 2014 Location: Lexington Public Library - Central Location

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#### Lexington-Fayette Urban County Government, Lexington, KY Brownfields Cleanup Grant Proposal - Old Courthouse 215 West Main Street, Lexington, KY

#### Public Meeting Summary

- Introductions were made.
- Purpose of meeting was explained.
- Efforts to date were described.
- Cleanup application was reviewed.
  - Intrusion of water and birds should be eliminated before funds are spent on lead, asbestos and guano remediation/cleanup.
  - Budget section on page 9 was discussed. Jeff Fugate is expected to submit a more detailed draft budget for the grant application.
  - Section including partners will be edited. Partners who do not submit letters may be removed from the narrative.
    - Narrative of the grant application will need to be reduced to 15 pages.
    - Letters of support will be included from partners who will contribute to this project.
- Comments and suggestions were accepted.
  - Recommended adding Lex. History Museum as an additional partner.
  - Foster Ockerman Jr. asked if the remaining items from the History Museum could be placed in one room during the cleaning up process. Remaining items are very large and removing them would be difficult and would result in storage fees for the museum. Discussion ensued as how it might work, but further discussions on the issue would have to occur and be considered as part of the process with the contract recipient.
  - Letter of support from Andy Barr's office may be pursued.
- Attendees were asked to forward any edits to Tom Webb. The grant application will be updated and emailed by the Jan. 22 deadline. Letters of support will be included in the application.

#### Lexington-Fayette Urban County Government, Lexington, KY Brownfields Cleanup Grant Proposal - Old Courthouse 215 West Main Street, Lexington, KY Public Meeting

Comment Sheet
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Name:
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Date: <u>January 15, 2014</u> Location: <u>Lexington Public Library – Central Location</u>

livegreenlexington

#### **Thomas Webb**

From:

Jeff Dunkin [dunkin4u@windstream.net]

Sent:

Tuesday, January 21, 2014 9:41 AM

To:

brownfields

Subject:

Old Courthouse

Follow Up Flag: Follow up

Flag Status:

Red

Many counties built new Courthouses throughout America at the samr time, especially Kentucky. These Courthouses became surplus properties. Consultants were hired to provide ideas on what these Courthouses could become. They all had about the same idea, make them museums. A museum is not a bad idea. However, a static museum can not survive. The Ky Basketball Museum at Rupp Arena went away because once you saw it. why go back. You need to change most of the exhibits as does the Rock N' Roll Museum (and any good museum) in Cleveland every 4 months.

To make office space is just not very smart. We already have surplus office space downtown.

In order to renovate the old courthouse, you will need copies of the past plans. I have been looking for the plans for the past two years for the 1898 Lehman & Schmitt Architects original; the renovation of 1961 and 1972. I've talked to everyone in Frankfort and Fayette County. The surviving architects, engineers and contractors all say that they gave all the drawings to Lexington. Well, where are they? Nobody knows. They are probably in some flat file in the Lexington government that nobody knows about.

As to the restoration/renovation I would propose to remove the center enfill area and return it back to an open drum. The original plan had an elevator to the side of the open drum. There was numerious restrooms for the men but only one for the women. Basically, put everything back as it was originally designed but provide women's restrooms on each floor. Provide for all updated codes, regulations and ADA requirements. Modernize the facility. Open up the egress to the old tunnel that went to the old jail. Possibly, have the UK College of Design (old College of Architecture) use this as a studio project to see some new young ideas. Think out the box on this project. Make something really kool!

Have a great day, Jeffrey J. "Jeff" Dunkin Architect/Planner 423 Cochran Road Lexington, Kentucky 40502-2314 1.859.268.1938 dunkin4u@windstream.net

#### **Thomas Webb**

From: Case Davis [case@beavercreekhydrology.com]

Sent: Wednesday, January 22, 2014 9:47 AM

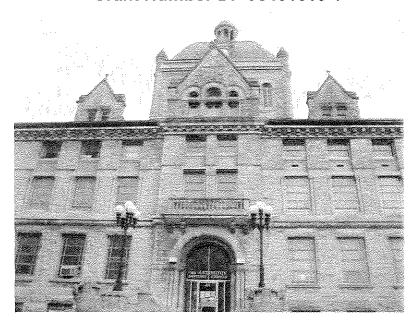
To: brownfields Subject: Courthouse

I think the courthouse could be a great place for Lexington to have open to the public for children and adults. Lexington needs more things for children to participate in and that space as an art museum would be well utilized. The architecture needs to be preserved to maintain the history of downtown. Please renovate this building! It is in the heart of the urban renewal occurring in Lexington.

Case Davis, PE President Beaver Creek Hydrology, LLC 907 National Ave. Lexington, KY 40502 615-491-1967

# DRAFT Analysis of Brownfield Cleanup Alternatives Lexington History Museum 215 West Main Street Lexington, Kentucky 40508

**Grant Number BF-95461610-1** 



Prepared for:

Lexington-Fayette Urban County Government
Department of Environmental Quality
200 East Main Street, Suite 925
Lexington, KY 40507

Prepared by:

AMEC Environment & Infrastructure, Inc. 11003 Bluegrass Parkway Louisville, Kentucky 40299

January 2014

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#### Draft LFUCG

Lexington History Museum, 215 W. Main St., Lexington, KY Analysis of Brownfield Cleanup Alternatives

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#### **DISTRIBUTION LIST**

Analysis of Brownfield Cleanup Alternatives
Lexington History Museum
215 West Main Street
Lexington, Kentucky
Grant Number BF-95461610-1

#### U.S. Environmental Project Agency (EPA):

Bob Rosen US EPA Region 4 Atlanta Federal Center 10<sup>th</sup> Floor, 61 Forsyth Street, SW Atlanta, Georgia 30303 Rosen.Bob@epa.gov Phone: (404) 562-8761

#### Lexington-Fayette Urban County Government (LFUCG)

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Environmental Initiatives Program Manager
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#### AMEC Environment & Infrastructure (AMEC):

2456 Fortune Dr., Suite 100 Lexington, KY 40509 Phone: (859) 255-3308

Tom Reed, AMEC Project Manager Tom.Reed@amec.com

#### Draft LFUCG Lexington History Museum, 215 W. Main St., Lexington, KY Analysis of Brownfield Cleanup Alternatives

#### List of Acronyms and Abbreviations

ABCA Analysis of Brownfield Cleanup Alternatives

ACM Asbestos-containing material

AHERA Asbestos Hazard Emergency Response Act

AMEC AMEC Environment & Infrastructure, Inc.

EPA United States Environmental Protection Agency

ESA Environmental Site Assessment

KDWM Kentucky Division of Waste Management

LBP Lead-based paint

NESHAP National Emissions Standards for Hazardous Air Pollutants

NVLAP National Voluntary Laboratory Accreditation Program

OSHA Occupational Safety and Health Administration

O&M Operations and Maintenance

PLM Polarized light microscopy

Site Lexington History Museum, 215 W. Main St., Lexington, KY

#### 1.0 INTRODUCTION

This document presents the results of an Analysis of Brownfield Cleanup Alternatives (ABCA) for the Lexington History Museum (Site, Property, or Subject Property) at 215 West Main Street, Lexington, Kentucky. The Lexington-Fayette Urban County Government (LFUCG) was awarded a U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grant for qualified environmental assessment work, a portion of which was used at this site to conduct surveys for asbestos-containing material (ACM), lead-based paint (LBP), and dust containing lead. Other potential hazardous substances were also noted, including mold growth and bird guano. A hazardous materials inventory was also conducted to determine the number of lamps, ballasts, mercury-containing devices, chlorofluorocarbon (CFC)-containing equipment, and polychlorinated biphenyl (PCB)-containing equipment. This ABCA includes a discussion of the following:

- Identification and Development of Cleanup Alternatives
  - Description of Current Situation
  - Establishment of Cleanup Objectives
  - Screening of Cleanup Technologies
- Evaluation of Cleanup Alternatives
  - Technical/Environmental/Human Health/Institutional
  - Cost Estimates
- Justification and Recommendation of Cleanup Alternative(s)
  - o Technical
  - Environmental
  - Human Health

#### 1.1 Facility Background

AMEC was authorized by the LFUCG to perform sampling of building materials for ACM, LBP, and dust containing lead associated with the Lexington History Museum. The field survey was performed by Mr. Milo Eldridge and Mr. Phillip Applegate, both licensed asbestos inspectors in the State of Kentucky. **Figure 1** is a topographic map of the Site and adjacent areas. **Figure 2** is an aerial photograph of the Site.

Information provided below on property description and history was derived from a Phase I Environmental Site Assessment (ESA) conducted by AMEC (AMEC 2012). The Lexington History Museum building consists of approximately 41,900 square feet and while no build date was provided, according to a plaque mounted on the building, it was constructed between 1898 and 1900. The building has been used as a museum since 2000. Prior to 2000, the building was the Fayette County Courthouse. The property is owned by the LFUCG.

The proposed redevelopment plan for the subject property is still being finalized. Since the building is historic, renovations and restorations will take place to prepare it for continued public or commercial use.

Recognized environmental conditions (RECs) were not identified based on the historical records reviewed and the site visit conducted. However, environmental concerns were noted in connection with ACM, LBP, and mold.

AMEC reviewed a Limited Site Survey of Indoor Air Quality prepared by Air Source Technology, Inc. (ASTI) dated September 20, 2012. Initial laboratory testing for mold spores found three areas on the first floor which susceptible individuals should not enter: the "Fallen Heroes" exhibit, the first floor hallway, and the Public Safety Exhibit. A follow up study was conducted and visible mold was observed above the ceiling on the first floor. According to ASTI, water intrusion appears to be emanating from a second floor balcony.

AMEC reviewed a Lead Paint Inspection Report prepared by the LFUCG Division of Facilities dated July 2012. This report found high levels of lead in the basement and penthouse of the building, and recommended that these areas should be either abated or stabilized by repainting damaged walls and ceilings. For floors 1 through 4, specialized cleaning under a containment setting with monitoring was recommended.

AMEC reviewed an Interpretation of Lead-Based Paint Risk Assessment Report prepared by Compliance Technologies, LLC (CT) dated August 6, 2012. This letter recommended restricting access to the basement and penthouse, and limiting access to the 4<sup>th</sup> floor to staff only. Floors 1 through 3 should be cleaned, and afterward an inspection, cleaning and maintenance regiment should be implemented to reduce the exposure to potential hazards. This report also

recommended airborne lead monitoring be conducted to determine if an airborne lead hazard exists. Finally, CT recommended repair and maintenance items to reduce mold on the first floor.

AMEC reviewed an Asbestos Identification Survey and Inspection Report prepared by the LFUCG Division of Facilities dated July 2012. This report found Asbestos Containing Material (ACM) on all floors of the building, though ACM on the 2<sup>nd</sup> floor was assumed, not confirmed. The report cited potential risks associated with floor tile mastic on the 3<sup>rd</sup> and 4<sup>th</sup> floors, mastic over fiber board on the 3<sup>rd</sup> floor, pipe fittings throughout the building, soil and pipe fittings in the crawlspace, and transite panels and gaskets associated with mechanical systems. Air sampling was conducted and found asbestos levels to be below the Permissible Exposure Limit (PEL).

#### 1.2 Survey Results

This section summarizes the results of ACM, LBP, and dust containing lead surveys conducted to date at the Site. AMEC (2013) describes the detailed results of the survey conducted by AMEC.

#### Results of ACM Surveys:

AMEC used the asbestos report prepared by the LFUCG Division of Facilities as a base to perform an updated asbestos survey. As part of AMEC's 2013 survey, a total of 48 samples were collected from 19 different homogeneous sampling areas to supplement earlier surveys. For asbestos samples collected during the survey, a unique identification was assigned that identified the homogeneous sampling area and unique sampling number for each sample collected. Asbestos bulk samples and chain-of-custody submittal sheets were delivered to the AMEC laboratory in Atlanta, Georgia for asbestos analysis.

Of the samples collected and analyzed, seven materials were reported to contain asbestos in varying concentrations, including window caulk in the penthouse, white sheet flooring on the 4<sup>th</sup> floor, stairwell tread mastic on the 4<sup>th</sup> floor, black mastic under the carpet, the boiler sealer, boiler gasket and square duct insulation in the boiler room.

In December 2013, TriEco, LLC conducted additional sampling for ACM. A total of nine samples were collected from three different homogeneous areas.

A summary table of all ACM identified as part of the surveys conducted in the building including a determination of quantity based on findings of the three entities (AMEC, LFUCG and TriEco) is included below as Table 1.

Table 1: Summary of Asbestos-Containing Materials

	:	Material				·
Location	Material Location	Description	Qty	Condition	Friable? (Y/N)	Notes
Rotunda	Rotunda Penthouse	Cooling Tower Panels (Elevator Panels)	520 SF	Minor Damage	N	
Rotunda	Rotunda Penthouse	Pipe Insulation	10 LF	damaged	Y	
Rotunda	Rotunda Penthouse	Pipe Fitting	6	damaged	Υ	
Rotunda	Rotunda Penthouse	Gasket (vibration dampening cloth)	20 SF	Minor Damage	N	Three seen, two at floor level and one on top of elevator control room.
Penthouse	Penthouse Attic	Window Glazing	140 SF	Damaged	Y	Not identified in initial inspection - Older windows. Unable to safely sample - 3 windows.
Penthouse	7 Granouse Auto	Window Clazing	740 07	Damageo		- 5 windows.
	Exterior Penthouse Room 2	Window Caulking	50 LF	Damaged	N	3 windows.
4th Floor	4th floor	Black Mastic on Floor	3885 SF	good	N	
4th Floor	4th floor	Mastic adhered to existing floor tile	197 SF	good	N	
4th Floor	4th floor	Floor Mastic Under Carpet	4265 SF	good	N	
4th Floor	4th Floor Pipe Chase	Pipe Fitting	15	Minor damage	Y	
4th Floor	4th Floor Pipe Chase	Pipe Wrap (Asbestos in Tar Coating)	50 LF	Minor damage	N	
4th Floor	4th Floor Stairwell	Stair Tread Material/Mastic	220SF	good	N	
3rd Floor	Throughout	Pipe Fitting (some with tar Coating)	91	minor damage	Y	

LFUCG Lexington History Museum, 215 W. Main St., Lexington, KY Analysis of Brownfield Cleanup Alternatives

Location	Material Location	Material Description	Qty	Condition	Friable? (Y/N)	Notes
3rd Floor	3rd Floor	Black Mastic on Floor	956 SF	good	N	4,4,4,4,4,4,4,4,4,4,4,4,4,4,4,4,4,4,4,4,
3rd Floor	3rd Floor	Mastic adhered to existing floor tile	396 SF	good	N	
3rd Floor	3rd Floor	Floor Mastic Under Carpet	6729 SF	good	N	
2nd Floor	2nd Floor	Mastic adhered to existing floor tile	7366 SF	good	N	
2nd Floor	2nd Floor	Floor Mastic Under Carpet	649 SF	good	N	
2nd Floor	2nd Floor	Pipe Fitting	120	minor damage	Y	
1st Floor	1st Floor	Mastic adhered to existing floor tile	2536 SF	good	N	
1st Floor	1st Floor	Floor Mastic Under Carpet	5606 SF	good	N	
1st Floor	1st Floor, Pharmacy & Public Safety	Safe Doors	300 SF	good	N	
1st Floor	1st Floor	Pipe Fitting	104	minor damage	Y	
1-4th Floors	Various Rooms	Fire Doors	10	good	N	assumed doors to stairways and other pertinent areas are fire doors - quantity is estimated
Basement	Basement Crawlspaces	Pipe Fitting	90	damaged	Y	Tri
Basement	Basement Crawlspaces	Impacted Soil and debris	4500 SF	damaged	Y	
Basement	Basement Boiler Room	Boiler	1	damaged	Y	Sealer, 55 SF Rope Gasket, 24 LF
Basement	Boiler Basement Room 5	Square Duct Insulation	180 SF	good	Y	Boiler Duct
Elevator	Elevator	brake shoes elevator	2	unknown	. Y	

#### Results of Lead-Based Paint Survey:

In December 2013, TriEco, LLC used the initial lead based paint survey to conduct a LBP quantity survey and performed some additional sampling for lead-based paint. A total of seven paint chip samples were collected to supplement the original inspection conducted by LFUCG.

Based on the previous survey results, LBP has been identified in the building. A summary table of all LBP identified as part of the surveys conducted in the building including a determination of quantity based on findings of the three entities (AMEC, LFUCG and TriEco) is included below as Table 2. In the penthouse AMEC observed pigeon guano up to three inches thick and in many places the guano is mixed with peeling LBP. The area affected is approximately is 50 feet x 70 feet, plus balconies and equipment. AMEC estimates approximately 6,000 square feet with a mixture of guano and flaked LBP.

**Table 2: Summary of Lead Based Paint** 

Location	Description	Quantity	Unit	Notes
Laboration	Walls	6000	SF	Includes ornate plaster
Penthouse/Rotunda	Ceilings	1200	SF	Includes dome area
-	Floors	900	SF	Concrete floor
	Walls	0		
4th Floor	Ceilings	0		·
	Floors	0		
	Walls	2364	SF	Room 49 - Wall A/ Room 46 - Wall A, C, D/ Room 45 - Wall C, D/ Room 44 - Wall A, D
3rd Floor	Ceilings	0		
	Floors	0		
	Window Sash	1		Room 49 - Wall A - Right
	Walls	1388	SF	Room 61 - Arches & Short Walls/ Room 70 - Wall A/ Room 69 - Walls A, B, C, D
	Ceilings	8200	SF	Throughout
2nd Floor	Floors	0		
	Window Well	2		Room 65 - Wall C - Left, Right/
	Window Sill	5		Room 67 - Wall D - Left, Room 68 - Wall A - Left, Right, Center and Wall D - Right
	Walls	7164	SF	Room 75 - Walls C,B/ Room 76 - Walls B, C/ Room 77 - All Walls/ Room 78 - Walls A, B, C/ Room 79 - Walls A, B, C, D/ Room 80 - Walls B, C, D/ Room 82 - Walls A, B, C, D/ Room 87 - Walls C, D/ Room 97 - Walls B, C, D/ Room 98 - Walls C, D/ Room 100 - Wall D
1st Floor	Ceilings	4136	SF	Rooms 76, 80, 81, 82, 87, 88, 90, 93, 94, 95, 96, 97
	Floors	0		
	. Window Sill	5		Room 82 - Wall B - Left, Right and Wall C - Center/ Room 93 - Wall D - Left/ Room 97 - Wall D - Left
İ	Window Well	1		Room 88 - Wall C - Left

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Location	Description	Quantity	Unit	Notes
	Window Jamb	1		Room 88 - Wall C - Left
	Walls	5760	SF	All walls
Basement	Ceilings	2677	SF	All ceilings
	Floors	2677	SF	All floors
Stairways	Walls	1200	SF	Basement access only

The Department of Housing and Urban Development *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (June 1995), and the EPA *Requirements for Lead-Based Paint Activities in Target and Child-Occupied Facilities* (40 CFR Part 745) provide regulatory and industry guidelines for conducting lead-based paint sampling. Both HUD and EPA have set a threshold of 5,000 parts per million (ppm), or 0.5% by weight, for defining LBP. Additionally, the Consumer Product Safety Commission (CPSC) defines lead-free paint as containing no greater than 0.06% lead by weight. OSHA has no "lower threshold" for exposure of lead, and therefore any remediation contractor should be informed of the results of the survey so the applicable requirements and regulations are followed.

#### Results of Lead Dust Survey:

Using the results of lead dust wipe sampling previously conducted by LFUCG, AMEC collected 20 additional lead wipe samples in order to determine current conditions within the building. Regarding lead dust, the EPA and HUD standard for lead dust is 40 micrograms per square feet (ug/ft²) on floors, 250 ug/ft² on interior window sills, and 400 ug/ft² for window troughs. **Table 3** below summarizes AMEC's dust wipe sample results.

Table 3: Summary of 2013 Survey Results – Lead Dust Wipe Samples

Location	Sample Name	Result (ug/ft²)
Attic Stair Landing Floor	PBD-01	7,100
4 <sup>th</sup> floor Room 22 Floor	PBD-02	47
4 <sup>th</sup> floor N. Stairway floor	PBD-03	360
4 <sup>th</sup> floor Room 8 floor	PBD-04	310
4 <sup>th</sup> floor Lobby N. floor	PBD-05	220

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Location	Sample Name	Result (ug/ft²)		
3 <sup>rd</sup> floor Room 47 floor	PBD-06	35		
3 <sup>rd</sup> floor entry to N. stairway floor	PBD-07	21		
3 <sup>rd</sup> floor Room 35 floor	PBD-08	<10		
3 <sup>rd</sup> floor Room 45 floor	PBD-09	<10		
2 <sup>nd</sup> floor Room 62 floor	PBD-10	150		
2 <sup>nd</sup> floor Room 67 floor	PBD-11	24		
2 <sup>nd</sup> floor lobby floor	PBD-12	68		
2 <sup>nd</sup> floor stairway floor	PBD-13	190		
1 <sup>st</sup> floor entrance lobby floor	PBD-14	39		
1 <sup>st</sup> floor entrance lobby floor	PBD-15	200		
1 <sup>st</sup> floor Room 79 floor	PBD-16	17		
1 <sup>st</sup> floor entrance lobby floor	PBD-17	61		
1 <sup>st</sup> floor elevator lobby floor	PBD-18	50		
Basement floor	PBD-19	340		
Basement Mechanical Room floor	PBD-20	920		

Based on the results of the lead dust survey, in addition to the areas impacted by lead based paint, the following table represents the additional areas of the building potentially impacted by lead dust which may require additional cleaning or removal. The drop ceiling has not been sampled, but in some areas is located beneath areas painted with loose and flaking LBP.

**Table 4: Lead Dust Impacted Areas** 

Location	Description	Quantity	Unit	Notes
4th Floor	Floors	1274	SF	
3rd Floor	Floors	1357	SF	
2nd Floor	Floors	1428	SF	
1st Floor	Floors	2457	SF	
4th Floor	Drop Ceiling	9500	SF	Large amount of insulation and debris above
3rd Floor	Drop Ceiling	9500	SF	
2nd Floor	Drop Ceiling	9500	SF	
1st Floor	Drop Ceiling	8500	SF	

#### Other Survey/Inspection Results:

AMEC counted a total of approximately 455 fluorescent light fixtures in the building, each likely having at least one ballast. No labeled PCB containing light ballasts were observed. AMEC also conducted a visual screening survey of the buildings for the presence of suspected radioactive material containing smoke detectors or lighted exit signs. A total of 25 lighted exit signs were seen in the building along with emergency lighting.

Potential sources of mercury seen inside the buildings included the following:

- 4 foot Fluorescent light tubes approximately 1,700 light tubes were seen in the building;
- All thermostats inspected were electric. No mercury containing thermostats were seen in the building.

A visual screening survey of equipment within the buildings was conducted to observe and document the presence, location, and condition of equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Examples of such equipment include refrigerators, air conditioning units, and walk-in coolers and freezers. AMEC visually inspected the equipment for external labels indicating CFC content and serial numbers. AMEC's scope did not include dismantling or opening any equipment. The following equipment was seen on the roof of the warehouse building:

Approximately 11 window air conditioning units seen within the building

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• 3 residential 2 ton air conditioning coil units in the penthouse.

AMEC noted approximately 320 total square feet of mold growth on the  $1^{st}$ ,  $2^{nd}$ ,  $3^{rd}$ , and  $4^{th}$  floors. Some areas have musty odors without visible mold growth.

#### 2.0 IDENTIFICATION AND DEVELOPMENT OF REMEDIAL ALTERNATIVES

This section describes establishment of cleanup objectives and screening of remedial technologies.

#### 2.1 Establishment of Remedial Objectives

ACM is subject to a variety of regulatory requirements summarized as follows:

- 40 Code of Federal Regulations (CFR) 61 National Emissions Standards for Hazardous Air Pollutants (NESHAP) requires removal of ACM from buildings prior to renovation or demolition. This typically requires an intrusive investigation to identify ACM hidden in floors, wall, ceilings, etc.
- 40 CFR 763 EPA Asbestos Hazard Emergency Response Act (AHERA) requires management of asbestos in schools and provides a standard of care for asbestos surveys. AHERA surveys are typically baseline surveys; they do not identify several types of NESHAP regulated materials (e.g. hidden or exterior ACM).
- 29 CFR 1910.1101 Occupational Safety & Health Administration (OSHA) asbestos regulations require management of asbestos in buildings to protect workers. AHERA surveys meet the OSHA requirement to identify ACM in buildings.

LBP is subject to the following regulation, at a minimum:

OSHA 1926.62, Safety & Health Regulations for Construction,
 Occupational Health & Environmental Controls, Lead

In accordance with the current consensus of federal agencies such as the EPA, OSHA, National Institute of Occupational Safety and Health (NIOSH), and Centers for Disease Control (CDC) and industry organizations such as the American Industrial Hygiene Association (AIHA), American Conference of Governmental Industrial Hygienists (ACGIH), and American College of Environmental Medicine (ACOEM), molds are present everywhere (ubiquitous) in the environment (indoors and outdoors) and the mere presence of mold spores detected on an air sample and/or tape sample is not necessarily indicative of a potential hazardous condition.

Currently, the consensus is that there are no known quantities of fungi or molds that would be considered acceptable or unacceptable for indoor environments with respect to health. This is due to the variability of human responses to molds and/or other biological agents and the lack of relevant scientific studies. Therefore, there are currently no permissible exposure limits or threshold limit values for exposures to molds. However, the identification of mold growth in indoor environments should be remediated because mold physically destroys the building materials it is growing on, mold growth is unsightly and may produce offensive odors, and may potentially sensitize and produce responses in allergic individuals.

#### 2.2 Exposure Pathways

If friable and damaged, ACM, unless addressed and included in an Operations and Maintenance (O&M) Plan, can result in exposure to building occupants. Exposure to LBP or dust containing lead of workers during construction projects and during later occupancy of a commercial or industrial facility is governed by U.S. and Kentucky Occupational Health and Safety Administration regulations (e.g., 29 Code of Federal Regulations 1926.62). Exposure to mold can affect humans by three ways: allergic reactions, infections, and toxicity.

#### 2.3 Screening of Cleanup Technologies

This section discusses screening of appropriate cleanup technologies for Site media.

#### 2.3.1 General Response Actions

General response actions describe those actions that will satisfy the site remedial objectives. These include:

- No action:
- Engineering and/or institutional controls;
- Encapsulation;
- Abatement or otherwise removal of the medium; and
- Any combination of the above technologies, as appropriate.

Specific remedial technologies then were identified for these general response actions, as described in Section 2.3.2.

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#### 2.3.2 Identification of Potential Remedial Technologies

A comprehensive list of cleanup alternatives was assembled for the ABCA. Several remedial technologies or categories of technologies were identified and screened, and are listed below. A list of potential remedial technologies is described in **Table 1**. This table identifies each potential remedial technology, compares the technology against relevant screening criteria, and provides a brief description of each technology and its apparent advantages and disadvantages.

#### ACM:

No Action

Removal/Abatement

Encapsulation

#### LBP/Dust containing Lead/Guano Mixed with LBP:

No Action

Removal/Abatement

**Encapsulation** 

#### Mold:

No Action

Cleaning/Vacuuming

Discarding of Affected Materials

#### 2.3.3 Description of Initial Potential Remedial Technologies

#### 2.3.3.1 No Action

Under the no action option, no remedial action or monitoring would be performed, nor would any engineering or institutional controls be implemented. This alternative is provided as a baseline for comparison to the remedial technologies considered.

#### 2.3.3.2 Removal/Abatement

**Removal/Abatement of ACM.** This involves removal of ACM identified in the survey, except for certain roofing materials, using a licensed contractor. This precludes having to develop and implement an O&M Plan for friable materials.

Removal/Abatement of LBP/Dust containing Lead/Guano mixed with LBP. This alternative involves removal of components with LBP or dust containing lead and properly disposing of wastes. Removal of LBP + dust + guano is included in this category.

#### 2.3.3.3 Encapsulation and Other Alternatives

For friable ACM and lead in paint, encapsulation is an alternative which would be designed to prevent exposure to or release of fibers, dust, or other materials containing these substances. For example, an encapsulating acrylic, water-based, low VOC primer and conditioner can be applied to fibrous and porous ACM. This functions as a penetrating and flexible encapsulant and primer to which a topcoat(s) can be applied. Other similar elastomeric acrylic coatings can also be used to encapsulate painted surfaces. Most encapsulants can be brushed, rolled, or sprayed on. If ACM is to left in place, i.e., not removed/abated, then an O&M Plan will be required to be developed and implemented. This Plan would detail training requirements for employees and contractors, notification requirements prior to ACM removal activities, administrative procedures covering work that may disturb ACM, maintenance of ACM including routine maintenance and cleaning and discussion of prohibited activities, requirements for removing or disturbing ACM, and requirements for ACM contractors/consultants.

#### 2.3.3.4 Cleaning/Vacuuming

Vacuuming can include wet vacuuming to be used only when materials are still wet and should not be used to vacuum porous materials. A High-Efficiency Particulate Air (HEPA) vacuum can be used as part of final remediation after materials have been thoroughly dried and contaminated materials removed.

Cleaning involves removal of mold from non-porous surfaces by wiping or scrubbing with water or water + detergent. Surfaces must be thoroughly dried after cleaning to minimize further mold growth. Biocide (e.g., bleach) may be used but does not remove the mold

## 2.3.3.5 Discarding of Affected Materials

Porous materials that are wet and have mold growth may not be able to be cleaned, since the mold can be difficult to completely remove from empty spaces or crevices. In these cases, the materials may have to be discarded. The typical procedure is to double bag and seal the materials in polyethylene sheeting

# 2.3.4 Initial Screening Criteria for Potential Remedial Technologies

The initial screening of potential remedial technologies has been completed based upon six balancing factors, as described below. The six balancing factors are summarized below.

- Effectiveness Considers the magnitude of risk from untreated contamination or treatment residuals, adequacy of institutional and engineering controls, extent to which beneficial uses are restored or protected, and time until remedial action objectives are achieved.
- Long-term Reliability Evaluates the reliability of the treatment technology, the reliability of engineering and institutional controls necessary to manage risk, and uncertainties in long-term management (operation, maintenance, and monitoring).
- Implementability & Implementability Risk Focuses on practical, technical, and legal difficulties and unknown factors associated with the remedy; the ability to monitor effectiveness; federal, state, and local requirements; and the availability of necessary services, materials, equipment, and specialists. Also looks at potential impacts on the community; potential impacts on workers and site operations; potential impacts on the environment; and the time required to complete the remedial action.
- Reduction of Toxicity, Mobility, or Volume of Wastes Focuses on treatment process used and materials tested; the amount of hazardous materials destroyed or treated; the degree of expected reductions in toxicity, mobility, and volume; the degree to which treatment is irreversible; and the type and quantity of residuals remaining after treatment.
- State and Community Acceptance Considers reuse and future planning.
- Reasonableness of Cost Determines capital, operation and maintenance, and periodic review costs of the remedial action; and the degree to which costs are proportionate to benefits to human health and the environment.

Estimates of construction costs or other costs, if any in later sections, are order-of-magnitude estimates only and are only to be used for comparison of alternatives.

The potentially applicable remedial technologies are evaluated in greater detail in later sections to assist in determining which remedial technology or technologies may be most appropriate for the site. The remedial technologies included in the screening process are grouped into several general response actions, as described in Section 2.3.1, and the results of the screening are summarized in the following sections.

#### 2.3.4.1 No Action

The No Action option has no inherent implementation risk, has no cost, and is easily implementable. However, the No Action option is not effective and does not offer long-term reliability, because it is not protective of human health and the environment. Furthermore, the cleanup goals for the site would not be met if this option were implemented. However, this alternative will be retained to serve as a baseline.

#### 2.3.4.2 Removal

**Removal/Abatement of ACM.** For existing friable ACM, abatement provides the best solution for mitigating risks and avoiding later exposure should the site not be maintained properly. Cost will depend on the extent of friable ACM to be abated behind current walls, but this may not be an issue because of the extensive refurbishment that may be required to meet future use plans. ACM abatement, except for certain roofing materials, is retained.

Removal/Abatement of LBP/Dust containing Lead/Guano mixed with LBP. LBP, dust containing lead, and guano mixed with LBP removal is a highly labor intensive activity, and creates an increased risk of associated exposure to site personnel. This alternative is retained for removal of flaking paint, paint chips on floors, accumulated dust containing lead, and LBP mixed with guano.

#### 2.3.4.3 Encapsulation and Other Alternatives associated with ACM and Paint

Encapsulation does not remove the need to maintain friable ACM, so such an approach would require an O&M Plan. To allow for a variety of potential redevelopment scenarios for the interior of the building, encapsulation is not considered viable for friable ACM. However, for LBP, this

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alternative is considered appropriate because exposure can be minimized through easily available encapsulation products.

# 2.3.4.4 Cleaning/Vacuuming for Mold

Based on the survey, extensive mold growth is not present in the building. It is not considered cost effective to clean the areas affected by mold. Therefore, this alternative is not retained.

# 2.3.4.5 Discarding of Affected Materials

This alternative is retained to account for the need to remove the small area of materials with mold growth that cannot not cost effectively be cleaned or vacuumed in place.

# 2.4 Retained Remedial Technologies

As described in Section 2.3, several potential remedial technologies appeared to meet the screening criteria and are retained for further evaluation. The retained potential technologies are discussed further in Section 3.0.

#### 3.0 IDENTIFICATION OF CLEANUP ALTERNATIVES

Based upon the screening in Section 2, the following alternatives were identified, and will be discussed in detail in the subsequent sections:

Alternative No. 1 – No Action

Alternative No. 2 – Removal/Abatement (ACM; flaking & flaked paint; dust containing lead; guano mixed with LBP)

Alternative No. 3 - Encapsulation for Remainder of LBP

Alternative No. 4 - Cleaning/Vacuuming of Mold

Alternative No. 5 - Discarding of Affected Materials

Media (contaminant)	Retained Alternatives			
ACM & Dust with Lead	1 – No Action; 2 – Removal/Abatement			
LBP	1 - No Action; 2 - Removal/Abatement; 3 - Encapsulation			
Mold	1 - No Action; 5 - Discarding			

A broad conceptual design and summary of these remedial alternatives is provided to enable adequate evaluation and comparison. It is expected that a final detailed design of the selected remedial alternative will be completed prior to implementation. As part of the design process, necessary modifications to the conceptual design may be necessary. Also note that the cost estimates included in the evaluation are based upon a conceptual design and are provided only to enable comparison of alternatives.

## 3.1 Alternative 1: No Action

Alternative 1 would involve no remedial actions and serves as a baseline for comparing other alternatives. Facility activities would occur without any restrictions and without regard for existing contamination or conditions.

## 3.2 Alternative 2: Removal/Abatement

Alternative 2 involves abatement of ACM, dust containing lead, as well as flaking or flaked LBP or guano mixed with LBP as found in the surveys and inspections reviewed in Section 1.2.

It is assumed that ACM in the windows will be abated by removing the glazing and caulking. It is anticipated that if abatement of window glazing is by window removal and replacement, review and approval of a mitigation plan will be required by the Kentucky Historic Preservation Office. Abatement eliminates the risk from friable ACM. However, a basic O&M Plan will also be required for any ACM left in place.

Removal for dust containing lead could include HEPA vacuuming, sweeping floors, and/or wiping affected surfaces. For LBP, flaking paint and loose paint on the floor, dust containing lead, and guano mixed with LBP would be removed and disposed off-site as hazardous waste, if samples fail the Toxicity Characteristic Leaching Procedure for lead.

#### 3.3 Alternative 3: Encapsulation

This alternative involves applying a coating(s) to LBP on walls to remain after removal of flaking and flaked paint. Coating types could include epoxy, acrylic, polyurethane, polyurea, oil-base, and latex. Important properties to consider when choosing a coating include elongation (i.e., elasticity or rigidity), dry film thickness, drying or curing time, and compatibility with existing surfaces. Epoxy-type coatings are widely used for LBP encapsulation. Epoxy coatings generally consist of a three part epoxy-polyamide coating applied in a primary layer, clad layer, and surface layer.

# 3.4 Alternative 5: Discarding of Affected Materials

For certain materials that cannot be cost effectively cleaned or where the mold cannot be completely removed (e.g., carpet and backing, porous flooring, furniture, wallboard, wood), they will need to be placed in sealed bags or sheeting and discarded as construction waste or other appropriate disposal (e.g., if also ACM, then disposal at a permitted landfill).

#### 4.0 **EVALUATION OF CLEANUP ALTERNATIVES**

In this section, each retained cleanup alternative is described in greater detail. Each alternative was evaluated against: protectiveness, effectiveness, long-term reliability, implementability, implementation risk, and cost reasonableness. Capital and operation and maintenance costs are expressed in 2013 dollars. The cost estimates are not based on contractor bids, and are therefore order of magnitude estimates only.

#### 4.1 Alternative 1: No Action

**Protectiveness.** The No Action alternative does not achieve the protectiveness requirements, and the corrective action objectives are not satisfied.

Effectiveness. The alternative is not effective at reducing or managing risk. The magnitude of residual risk is unacceptable.

Long-term Reliability. This alternative does not achieve long-term reliability.

Implementability. The No Action alternative is easy to implement.

Implementation Risk. No risk would be incurred during implementation of the No Action alternative.

Reasonableness of Cost. No costs would be incurred in implementing the No Action alternative.

#### 4.2 Alternative 2: Removal/Abatement

Alternative 2 involves removal of ACM currently identified in the building, with the exception of roofing materials. Alternative 2 also involves removal of flaking and flaked LBP, dust containing lead, and guano mixed with LBP.

This alternative satisfies the protectiveness criterion. Protectiveness is achieved by removal of friable, most of the non-friable ACM, LBP that is currently flaking on walls and paint chips on floors, dust containing lead, and guano mixed with LBP.

Effectiveness. This alternative is effective, since the risk of exposure to friable ACM will be mitigated and the risk of non-friable ACM becoming friable is also eliminated. The main hazards from LBP, which derives from flaking and flaked paint, dust containing lead, and guano are also eliminated.

Long-Term Reliability. Removal/abatement is a permanent fix for ACM and LBP, dust, and guano.

**Implementability.** Implementation of Alternative 2 would be moderately difficult. Proper containment and health & safety practices would have to be implemented during removal/abatement, and final air and other clearance samples collected before re-occupation of abated areas would be allowed.

**Implementation Risk**. The implementation risk associated with this alternative is considered low to moderate. Potential ACM behind walls would have to be removed. For cleaning up flaked and flaking paint, dust containing lead, and guano mixed with LBP, contractors will need to include appropriate health & safety considerations.

Reasonableness of Cost. A cost estimate for abatement of ACM is included in Table 5, which provides cost details which are for order of magnitude estimating purposes only and assume concurrent abatement of ACM, LBP, dust containing lead, and guano mixed with LBP.

#### 4.3 Alternative 3: Encapsulation

Alternative 3 involves application of coating(s) to paint remaining on surfaces and known to contain lead.

**Protectiveness.** This alternative satisfies the protectiveness criterion. Protectiveness is achieved by minimizing exposure since the current paint will be beneath newly applied coatings.

**Effectiveness.** This alternative is effective, since existing coating technologies are available which have been used in similar applications. To increase effectiveness, it may be necessary during building refurbishment to remove small areas of paint where it is damaged or beginning to flake.

**Long-Term Reliability.** Several types of long-lasting, robust coatings have been developed which should minimize O&M.

**Implementability.** Implementation of Alternative 3 would be relatively easy. Coatings are readily available and application with rollers, brush, or other typical methods for applying paint can be used.

**Implementation Risk.** The implementation risk associated with this alternative is considered low. Coatings can be applied as part of building refurbishment.

**Reasonableness of Cost.** A cost estimate for LBP encapsulation, removal of flaking, flaked, and loose or heavily damaged LBP, mold abatement, and guano removal is provided in Table 5.

#### 4.4 Alternative 5: Discarding of Affected Materials

Alternative 5 involves removal of mold-containing materials that cannot be cost effectively cleaned.

**Protectiveness.** This alternative satisfies the protectiveness criterion. Protectiveness is achieved by removing from the building certain materials with mold growth. However, this alternative assumes that other measures are taken during building refurbishment to eliminate water intrusion after clean-up to minimize later mold growth.

**Effectiveness.** This alternative is effective, since mold growth is stopped by removal of certain affected materials, as long as concomitant efforts are made to eliminate water intrusion or moisture issues during building refurbishment to minimize later growth on surfaces that remain.

Long-Term Reliability. Long-term reliability is good, if efforts to eliminate water intrusion and/or moisture issues are also undertaken as part of clean-up (but such efforts are not included in cost estimates for this ABCA).

**Implementability.** Implementation of Alternative 5 would be relatively easy. During building refurbishment if materials such as porous flooring, wallboard, wood, or carpet must be removed, it is assumed disposal can be as construction waste, unless the materials also contain asbestos, lead, or other hazardous substances. In some cases, testing may be required to determine proper disposal methods and locations.

**Implementation Risk**. The implementation risk associated with this alternative is considered low, as long as appropriate PPE is worn by mold remediation contractors and appropriate containment is employed to limit release of mold into the air and surroundings.

Reasonableness of Cost. The cost estimate for Alternative 5 is included in Table 5.

Table 5: Cost Estimates for Alternative 5

Fayette County Courthouse Cost Estimate / Assumes Scale Wages

Contaminant or Component	ist Floor	2nd Floor	3rd Floor	4th Floor	Basement	Rotunda	Crawispaces to 3"	Contractor Markup (10%)	Total Cost Estimate by Contaminant or Component
Asbestos	\$23,729	\$15,852	\$24,152	\$16,581	\$9,500	\$4,883	\$72,108	\$16,681	\$183,486
LBP/Final Clean Up	\$16,751	\$10,951	\$5,655	\$3,734	\$15,323	\$40,395	\$0	\$9,281	\$102,090
MPE*/Lights	\$22,305	\$22,305	\$22,305	\$22,305	\$28,305	\$60,000	\$0	\$17,753	\$195.278
Elevator Removal	\$0	\$0	\$0	\$0	\$0	\$8,500	\$0	\$850	\$9,350
Scaffolding	\$0	\$0	\$0	\$0	\$0	\$40,500	\$0	\$4,050	\$44,650
Drop Ceilings	\$10,800	\$10,800	\$10,800	\$15,800	\$0	\$0	\$0	\$4,820	\$53,020
Guano	\$0	\$0	\$0	\$0	\$0	\$24,000	\$0	\$2,400	\$26,400
Total Cost Estimate by Area	\$73,585	\$59,908	\$62,912	\$58,420	\$53,128	\$178,278	\$72,108	\$55,834	<b>\$</b> 61 <b>4</b> ,173

<sup>\*</sup> MPE = mechanical, plumbing, & electrical

For additional assumptions, see Section 5.0 of the ABCA

Additional Tasks	Cost Estimate	
Mobilization	\$3,000	
Develop Specifications for Abatement	\$14,000	
Containment Teardown & Demobilization	\$5,000	
Reports	\$15,000	
O&M Plan	\$5,000	
Project Management, Clearance Testing, & Oversight	\$45,000	
TOTAL Additional	\$87.000	
Tasks:	\$01,000	

Total Cost Estimate: \$614,173 + \$87,000 + 10% contingency = \$771,290

#### 5.0 RECOMMENDED CLEANUP ALTERNATIVES

The selection of the recommended cleanup alternatives is based upon the evaluation and comparison of alternatives contained within preceding sections of this report.

Based upon the evaluation of the technologies, the recommended remedial alternatives are as follows:

Alternative No. 2 - Removal/Abatement (ACM; LBP that is flaking or is on floors; it should be assumed that all flaking and flaked paint contains lead; dust containing lead; and guano mixed with LBP).

Alternative No. 3 - Encapsulation for LBP that is not flaking or flaked or badly damaged.

Alternative No. 5 - Discarding of Certain Affected Materials with Mold

Media (contaminant)	Alternatives		
Asbestos; dust			
containing lead; guano	2 – Removal/Abatement		
mixed with LBP			
l BP	2 – Removal/Abatement; 3 -		
LDP	Encapsulation		
Mold	5 – Discarding of Affected Materials		

ACM identified in Table 1 will be abated, with the potential exception of safe and fire doors. These doors will either remain or be replaced.

Per 401 KAR 58:040 (Requirements for Asbestos Abatement Entities), disposal will occur at a landfill that has approval from the KDWM to accept asbestos-containing waste according to the provisions of Title 401, Chapter 47, and shall meet all other applicable local, state, and federal laws.

LBP that is not flaking, flaked, or heavily damaged will be encapsulated with a durable, compatible coating system. Prospective vendors will be contacted and their products researched to determine which is best for this application (e.g., Fiberlock Technologies, Inc. LBP encapsulants).

LBP identified in previous and current surveys that is flaking, flaked, or heavily damaged, dust containing lead, and LBP mixed with guano will be abated. Clean-up criteria for surfaces with dust containing lead will be determined after a detailed building renovation/restoration and future use plan has been developed.

The scope of work for cleanup of the building includes removal of other regulated materials such as fluorescent lamps, ballasts, mercury-containing devices, CFC-containing equipment, and PCB-containing equipment. Alternatives for such items were not considered.

The following list of assumptions is relevant to the cost estimates and proposed work:

- Only walls and ceiling components with identified Lead Based Paint (LBP) will be encapsulated following removal of loose and peeling paint. All remaining surfaces that did not contain LBP as identified through testing, have been removed from the scope of work and are not included in the estimates provided.
- 2. Mold identified on surfaces, including walls and drop ceiling tiles, will be stabilized during the LBP management and ceiling tile removal.
- 3. Water intrusion to deter future mold growth will be managed by others. Assistance will be provided during the abatement, demolition, and stabilization process to identify potential water intrusion areas.
- 4. Removal of one (1) elevator will be necessary to remove the mechanical components from the 4th floor areas. The shaft will be left open following abatement, demolition, and stabilization efforts. A cost to re-install the elevator is not included in the estimates provided.
- 5. An allowance has been placed into the estimate to allow for a 400 amp electrical panel and temporary service provisions to each floor. Usage fees have been included in the estimates. Temporary provisions will remain upon completion for re-construction purposes.
- 6. Estimate has been determined based on wages from the U.S. Department of Labor.
- 7. Pricing assumes that a Structural Engineer has evaluated and confirmed that the mechanical room floor can support the required weight of scaffolding anticipated and

- also that the dome and access areas can support the man/weight required for stabilization and removal of guano.
- 8. Light fixtures and ballasts are included in the cost of removal and disposal.
- 9. No testing, removal, or disposal of miscellaneous stored chemicals is included in the estimate provided.
- 10. Ceiling tile and grid are included as funded items due to potential LBP & mold and for access to LBP painted areas required for stabilization throughout the building.
- 11. Crawl space areas have been estimated based on limited visual inspection and provided drawings. It is anticipated that 3" of existing dirt floor surface inside the crawl space areas will be removed due to damaged ACM.
- 12. All floors will be cleaned in preparation of remodeling upon completion of demolition, abatement, and stabilization.
- 13. Depending on the renovation plan, pricing has been provided for complete abatement of all carpet glue.
- 14. No destructive sampling was performed during the inspection(s) process. Hidden or inaccessible materials may be encountered during the demolition / abatement process. These materials have not been accounted for by any allowance within this cost estimate.
- 15. Pricing does not include any ceramic tile, bathroom fixtures, or divider wall removal.

An O&M Plan will be required for remaining LBP or ACM. Other constraints/conditions include:

- Contractors associated with the renovation activities should be trained in 'lead safe
  work practices', follow all applicable OSHA regulations regarding renovation and
  LBP, including requirements for air sampling and respirator use (if applicable), and
  perform a Toxicity Characteristic Leaching Procedure (TCLP) analysis of a sample of
  the representative waste stream for lead prior to disposal to determine if the waste is
  considered hazardous as it relates to lead.
- All contractors and employees should be alerted to the presence and location of the identified LBP, dust containing lead, and LBP mixed with guano and associated hazards, in accordance with applicable OSHA regulations.

- Employees who work with LBP or dust containing lead should be provided with proper personal protective equipment, as well as the appropriate removal equipment, training and licensure as applicable.
- All LBP, materials mixed with LBP, or dust containing lead must be disposed of in accordance with the Federal, State and Local regulations.
- Removal of LBP or materials containing lead should be monitored to ensure that no lead dust is released into ambient air. Air monitoring must be performed in accordance with applicable regulations and potentially affected employees must be notified of any LBP work.
- If deemed necessary, a standardized specification for abatement should be
  established for the removal of ACM and LBP. It is recommend that a licensed ACM
  and LBP designer develop the specification to address important issues including an
  accurate scope of work, regulatory requirements, insurance requirements,
  notification procedures, air sampling requirements, and other pertinent information.
- If concealed LBP or ACM is observed during renovation activities, it will be necessary to investigate and collect samples in order to confirm the presence or absence of LBP or ACM.

For remediation of mold, professional judgment will be used to determine the methods, PPE, and containment needed. A more in-depth mold survey may also be required to develop a remediation plan. Cost estimates in this ABCA have not considered application of mold resistant, fungicidal, or other specialty coatings on surfaces affected by mold. Also, waterproofing of building materials or components has not been considered and is assumed to be part of other building refurbishment. Any materials discarded because of mold growth should be properly disposed based on whether ACM, LBP, and/or other hazardous substances are present.

During removal of hazardous materials such as fluorescent lamps, etc., the following precautions and steps should be taken:

- Ballasts and/or equipment manufactured subsequent to 1979 were required to be labeled as not containing PCBs. Therefore, ballasts and/or equipment observed labeled "No PCBs" are considered to not contain PCBs. If the "No PCBs" label is not observed, a ballast should be assumed to contain PCBs.
- Fluorescent lighting ballast for the building may also contain di (2-ethylhexyl) phthalate (DEHP), which was used a replacement for PCB until around 1991. DEHP containing ballasts should also be handled and disposed of in accordance with applicable regulations.
- In accordance with current Kentucky Division of Waste Management recommendations, AMEC recommends that during renovations if PCB containing or unlabeled ballasts are found, the equipment and ballasts be removed and disposed of by a qualified hazardous waste contractor and sent to an EPA and Kentucky approved recycling facility.
- Leaking or suspected leaking PCB-containing equipment and/or ballasts should be segregated from the other non-leaking items and immediately placed in sealed 6-mil thick plastic bags and/or lined 55-gallon metal drums for handling and disposal at an approved incinerator.
- Workers who handle hazardous materials should be trained in safe and proper hazardous materials handling procedures.
- All hazardous materials leaving the property should be transported to a licensed hazardous waste recycling/disposal facility under a properly executed Uniform Hazardous Waste Manifest or alternate.
- Low-mercury or "green end cap" lamps are not mercury free and must still be recycled or managed by an authorized facility in accordance with the Mercury-Added Consumer Products Law, which became effective July 12, 2005.
- Additional types of fluorescent lamps that may be discovered in the buildings during renovation activities that do not have the green painted end caps or green stamped writing, should be assumed to contain concentrations of mercury and other metals such as cadmium and lead higher than the regulatory limits and should be considered as an EPA Universal Waste.

- In accordance with current EPA regulations, fluorescent light tubes, including low-mercury or "green end cap" lamps, HID lamps, and mercury-containing thermostats and other sources should be removed, packaged, transported, and recycled (unbroken bulbs) or incinerated at an EPA and/or State approved facility by a qualified hazardous waste contractor in accordance with State Hazardous Waste Regulations or the Universal Waste Rule.
- If any radioactive sources are found during renovation, AMEC recommends the smoke detector units or exit signs with radioactive sources be removed, packaged, and returned to the manufacturer for recycling, reuse, or proper disposal.
- The EPA requires all CFC refrigerants be properly evacuated from equipment prior to dismantling and/or demolition. AMEC recommends that the equipment be inspected and, if necessary, the refrigerant be evacuated and recovered by technicians properly trained in accordance with the EPA approved program.
- Under the Clean Air Act, the EPA has regulated CFCs in EPA regulation 40 CFR 82, Subpart F. CFCs are regulated materials by the EPA and must be handled and recycled or disposed of in accordance with EPA Federal Regulations 40 CFR 82 by an EPA qualified, trained specialist.
- AMEC recommends that a certificate of recycling or disposal should be provided for removed CFCs.

Total estimated cost is approximately \$771,290.

# LFUCG

Lexington History Museum, 215 W. Main St., Lexington, KY Analysis of Brownfield Cleanup Alternatives

## 6.0 REFERENCES

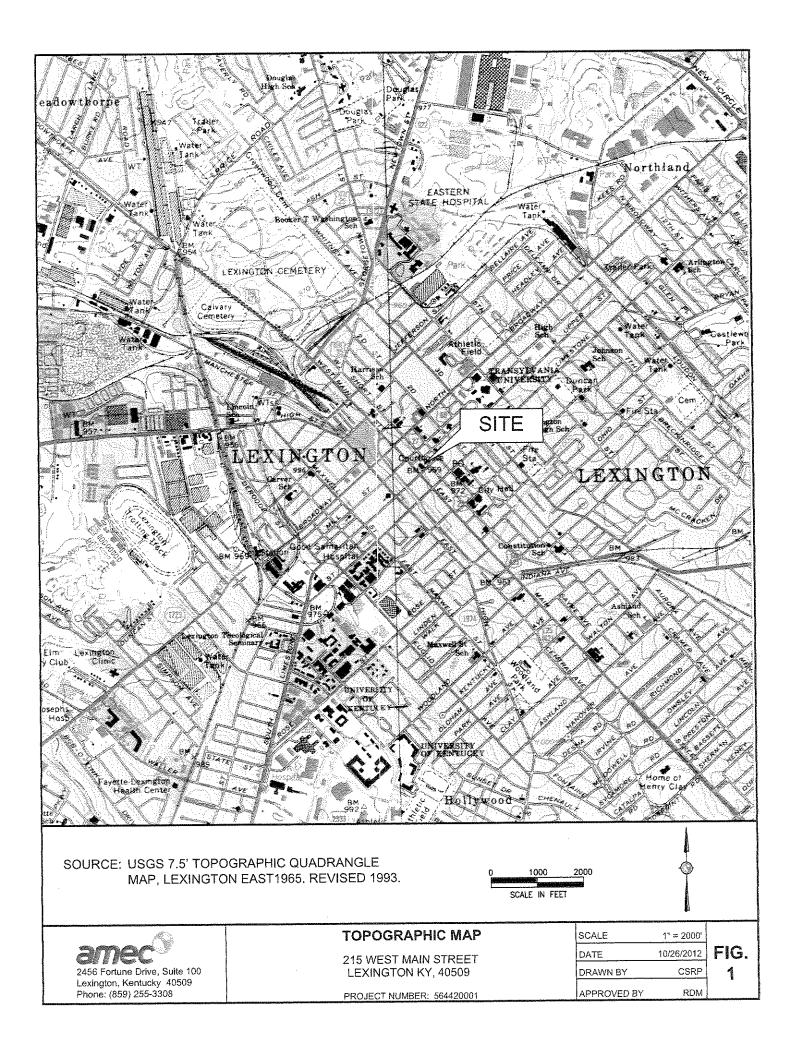
AMEC, 2012. Phase I Environmental Site Assessment, Lexington History Museum, 215 W. Main St., Lexington, KY 40965, October, 2012.

AMEC, 2013. Limited Hazardous Building Material Survey, Historic Fayette County Courthouse, 215 West Main Street, Lexington, Kentucky, September 2013.

# **FIGURES**

Figure 1: Site Location Map

Figure 2: Site Aerial Photo





Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 50 100 20 SCALE IN FEET





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# **AERIAL PHOTOGRAPH**

LFUCG BROWNFIELDS 215 W MAIN STREET LEXINGTON, KENTUCKY

PROJECT NUMBER: 564420001

SCALE	1" = 200"
DATE	1/8/2014
DRAWN BY	TMR
APPROVED BY	RDM

FIG. 2